

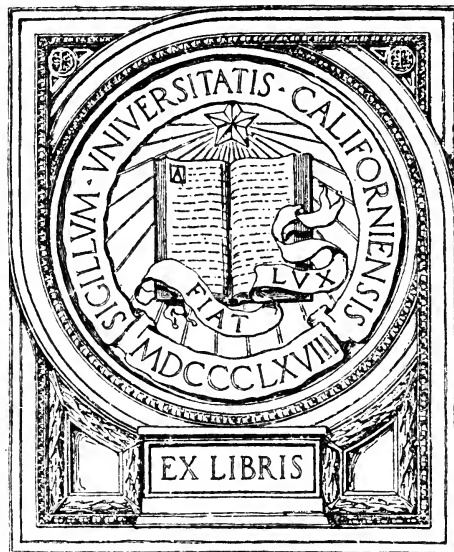
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GIFT OF  
*L. H. Roberts*



## **See Page 87.**

The Primary Election Law beginning on page 87 of this pamphlet was declared unconstitutional by the Supreme Court April 5th, 1906.

The new Primary Law, approved by the Governor on May 23rd, and in force July 1st, 1906, has been printed in separate form.

See Page 87.

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G. H. Roberts.

# ELECTION LAWS

OF THE

# STATE OF ILLINOIS

With Forms and Instructions for Carrying the  
Same Into Effect.

PRINTED FOR THE USE OF ELECTION OFFICERS

BY

JAMES A. ROSE, Secretary of State

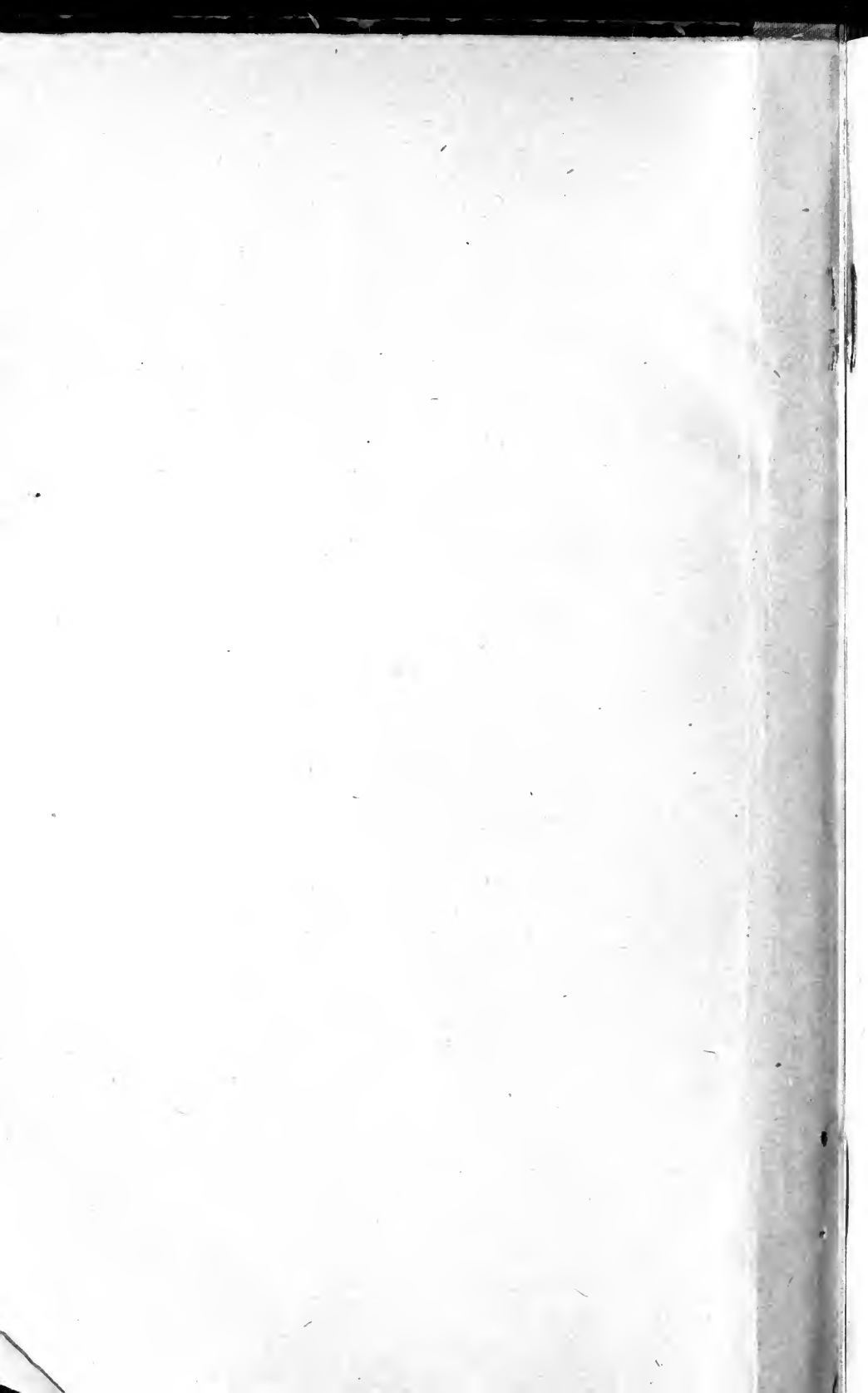
1906

COMPLIMENTS OF  
JAMES A. ROSE,  
SECRETARY OF STATE



SPRINGFIELD:  
ILLINOIS STATE JOURNAL CO., STATE PRINTERS.

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## TABLE OF CONTENTS.

	PAGE.
ELECTIONS, TIME OF HOLDING .....	7
CONSTITUTIONAL PROVISIONS.....	78
STATUTORY PROVISIONS:	
Article I, Public Officers—When Elected .....	15
Article II, Election Precincts and Officers .....	21
Article III, Registration of Electors .....	26
Article IV, Compensation of Election Officers .....	29
Article V, Nomination of Candidates .....	30
Article VI, Notice of Election .....	35
Article VII, Ballots and Instructions .....	36
Article VIII, Ballot Boxes, Booths and Poll Books .....	40
Article IX, Qualifications of Voters .....	41
Article X, Manner of Conducting Elections .....	44
Article XI, Canvassing Returns .....	52
Article XII, Contesting Elections .....	54
Article XIII, Offenses and Penalties .....	58
Article XIV, Resignations and Vacancies .....	63
Article XV, Congressional Apportionment .....	67
Article XVI, Senatorial and Representative Apportionment.....	69
Article XVII, Judicial Apportionment .....	75
Article XVIII, Publication of Propositions to be Voted for.....	78
Article XIX, Submission of Questions of Public Policy.....	78
Article XX, Voting Machines .....	79
Article XXI, Primary Elections—The Primary Law of 1905.....	87

## APPENDIX.

OPINIONS CONSTRUING THE PRIMARY ELECTION LAW OF 1905.....	139
PRIMARY ELECTIONS OF VOLUNTARY ASSOCIATIONS .....	155
PRIMARY ELECTIONS IN COUNTIES OF LESS THAN 125,000.....	163
PRIMARY ELECTIONS IN COUNTIES OF 125,000 OR OVER.....	168
FORMS PREPARED IN CONFORMITY WITH THE PROVISIONS OF THE STATUTES .....	193
INDEX TO GENERAL ELECTION LAWS .....	203
INDEX TO PRIMARY ELECTION LAWS .....	207

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NOTE—Repealed and obsolete sections have been omitted in this edition, and the sections in force have been renumbered in regular sequence corresponding with the head notes. In cities, towns and villages which have or may hereafter adopt the act entitled, “An act regulating the holding of elections, and declaring the result thereof in cities, villages and incorporated towns in this State,” approved June 19, 1885, in force July 1, 1885, that act supersedes the general registry and election laws, when in conflict with that act; but when not inconsistent or in conflict with the provisions of that act, these acts continue in force and are applicable to such cities, towns and villages the same as if that act had not been adopted—Section 15 of the act of 1885, the title of which is recited above.

The cities of Chicago and East St. Louis have adopted the law of 1885.

The attention of election officers is called to the following additions to and changes in the Election Laws made by the 41st, 42d, 43d and 44th General Assemblies:

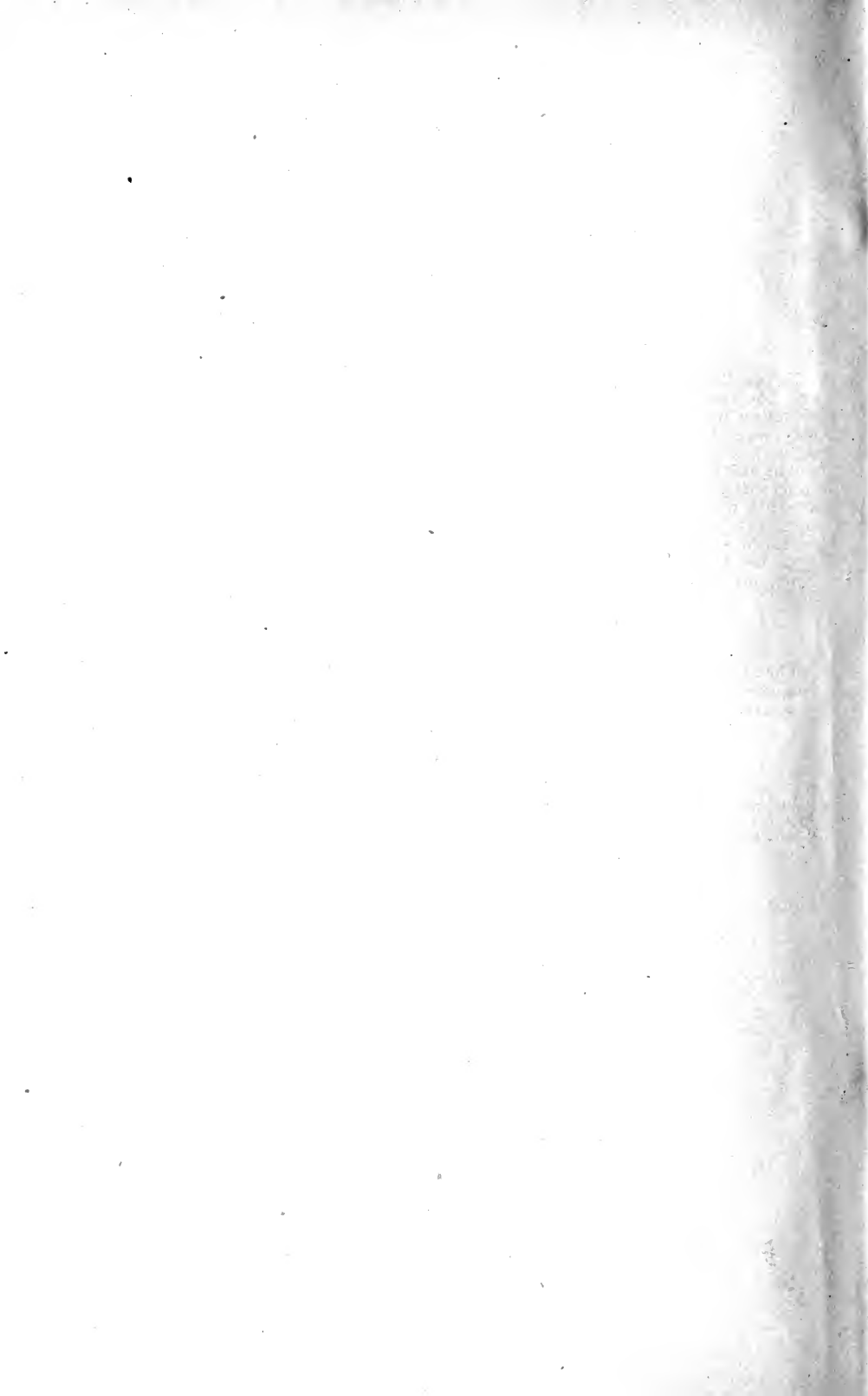
#### ADDITIONAL ACTS.

	PAGE.
Primary Law 1905.....	87
Publication of propositions to be voted for .....	78
Submission of questions of public policy.....	78
Voting machines—use authorized .....	79

#### AMENDMENTS.

Article	I, Section 16 .....	17
“	II, “ 2, 3, 5 and 9.....	21, 22, 23, 25
“	V, “ 4a, 5 and 6 .....	31
“	VII, “ 5, 6, and 8 .....	38, 39, 40
“	X, “ 1, 6, 11a and 11b.....	44, 45, 48, 49
“	XI, “ 1, 5 and 7 .....	52, 53
“	XII, “ 3 .....	54
“	XV, “ 1, 2, 3 and 4.....	67
“	XVI, “ 1, 2 and 3 .....	69
“	XX, “ 34 and 46 .....	79





## ELECTIONS.

The principal elections of Illinois occur on the following dates:

### TUESDAY AFTER FIRST MONDAY IN NOVEMBER.

For Presidential Electors, Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Attorney General, State Senators in even numbered districts, members of the State Board of Equalization, clerk of Superior Court of Cook county, Clerks of the Circuit Court, State's attorneys, county surveyors and county corners, every fourth year counting from 1872.

For State Treasurer, Representatives in Congress, Representatives in the General Assembly, and three Trustees of the University of Illinois, every second year counting from 1872.

For clerk of the Supreme Court, every sixth year, counting from 1902.

For clerks of the Appellate Courts, every sixth year, counting from 1878.

For Superintendent of Public Instruction, State Senators in odd numbered districts, clerk of the criminal court of County, county clerks, county judges, county treasurers, county superintendents of schools, and sheriffs, every fourth year, counting from 1874.

For judges of the Superior Court of Cook county, six judges every sixth year, counting from 1904; four judges every sixth year, counting from 1905, and one judge every sixth year, counting from 1907. [One judge, first Monday in June every sixth year, counting from 1903.]

For county commissioners in counties not under township organization, one each year.

### FIRST MONDAY IN JUNE.

For judges of the circuit court, every sixth year, counting from 1873.

For judges of the Supreme Court, Fifth district, every ninth year, counting from 1873; from the Fourth district, every ninth year, counting from 1876; and from the First, Second, Third, Sixth and Seventh districts, every ninth year, counting from 1879.

For one judge of the Superior Court of Cook county, every sixth year, counting from 1903.

### THIRD TUESDAY IN APRIL.

For officers of cities organized under the General Law (except such as contain within their corporate limits one or more townships), annually.

For officers of villages organized under the General Law (except where the territorial limits coincide with the territorial limits of a township), annually.

### FIRST TUESDAY IN APRIL.

For all town officers, officers in cities, containing one or more towns, and officers in villages whose boundaries coincide with the boundaries of a town, annually.

### PRIMARY ELECTIONS.

#### LAST SATURDAY IN FEBRUARY.

In counties of 125,000 or more. Immediately preceding any regular Spring or Summer election.

#### FIRST SATURDAY IN MARCH.

In counties of less than 125,000. In cities, villages and incorporated towns, in the year in which their officers are elected.

#### LAST SATURDAY IN APRIL.

In counties of less than 125,000. In 1906 and every two years thereafter for other than municipal offices.

In counties of 125,000 or more. Immediately preceding any regular Summer or Autumn election.

## CONSTITUTIONAL PROVISIONS IN RELATION TO ELECTIONS.

### ARTICLE IV.

**TIME OF HOLDING.]** Section 2. An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord, one thousand eight hundred and seventy, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either house, the Governor, or persons exercising the powers of Governor, shall issue writs of election to fill such vacancies.

**APPORTIONMENT—SENATORIAL.]** Section 6. The General Assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the federal census, by the number fifty-one and the quotient shall be the ratio of representation in the Senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one Senator, whose term of office shall be four years. The Senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers at the end of four years; and vacancies occurring by the expiration of term shall be filled by the election of Senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as near as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths may be divided into separate districts, and shall be entitled to two Senators, and to one additional Senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

**MINORITY REPRESENTATION.]** Sections 7 and 8. The House of Representatives shall consist of three times the number of the members of the Senate, and the term of office shall be two years. Three Representatives shall be elected in each senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of Representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be declared elected.

## ARTICLE V.

## STATE OFFICERS.

TERMS—RESIDENCE—DUTIES.] Section 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction and Attorney General, who shall each, with the exception of the Treasurer, hold his office for the term of four years from the second Monday in January next after his election, and until his successor is elected and qualified. They shall, except the Lieutenant Governor, reside at the seat of government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

ELECTION OF.] Section 3. An election for Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts and Attorney General shall be held on the Tuesday next after the first Monday of November, in the year of our Lord 1872, and every four years thereafter; for Superintendent of Public Instruction, on the Tuesday next after the first Monday of November, in the year 1870, and every four years thereafter; and for Treasurer, on the day last above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

RETURNS OF ELECTION.] Section 4. The returns of every election for the above named officers shall be sealed up and transmitted, by the returning officers, to the Secretary of State, directed to "The Speaker of the House of Representatives," who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the General Assembly, who shall, for that purpose, assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal and the highest number of votes, the General Assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the General Assembly, by joint ballot, in such manner as may be prescribed by law.

## ARTICLE VI.

## COURTS.

CHIEF JUSTICE—ELECTION—TERM.] Section 6. At the time of voting on the adoption of this Constitution, one judge of the Supreme Court shall be elected by the electors thereof in each of the said districts numbered two, three, six and seven, who shall hold his office for the term of nine years, from the first Monday of June in the year of our Lord 1870. The term of office of judges of the Supreme Court, elected after the adoption of this Constitution, shall be nine years; and on the first Monday of June of the year in which the term of any of the judges in office at the adoption of this Constitution, or of the

judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges, in the respective districts wherein the terms of such judges shall expire. The chief justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number chief justice.

\*CLERK—ELECTION—TERM.] Section 10. At the time of the election for Representatives in the General Assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose term of office shall be six years from said election, but who shall not enter upon the duties of his office until the expiration of the term of his predecessor, and every six years thereafter one clerk of said court for each division shall be elected.\*

TIMES OF HOLDING COURT—ELECTION OF CIRCUIT JUDGES.] Section 14. The General Assembly shall provide for the time of holding court in each county, which shall not be changed, except by the General Assembly next preceding the general election for judges of said court, but additional terms may be provided for in any county. The election of judges of the circuit courts shall be held on the first Monday in June, in the year of our Lord 1873, and every six years thereafter.

#### JUSTICES OF THE PEACE AND CONSTABLES.

ELECTION.] Section 21. Justices of the peace, police magistrates and constables shall be elected in and for such districts, as are, or may be provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

#### STATE'S ATTORNEY.

ELECTION—TERM.] Section 22. At the election for members of the General Assembly in the year of our Lord 1872, and every four years thereafter, there shall be elected a State's attorney in and for each county, in lieu of the State's attorneys now provided by law, whose term of office shall be four years.

#### COURTS OF COOK COUNTY.

COUNTY DECLARED ONE CIRCUIT.] Section 23. The county of Cook shall be one judicial circuit. The circuit court of Cook county shall consist of five judges until their number shall be increased as herein provided. The present judge of the recorder's court of the city of Chicago, and the present judge of the circuit court of Cook county shall be two of said judges and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified: The Superior Court of Chicago shall be continued, and called the Superior Court of Cook county. The

\* Under authority conferred by section 4, article VI, of Constitution, the General Assembly in 1897, provided for the election of a single clerk. See section 3a, Ch. 37, R. S.

General assembly may increase the number of said judges by adding one to either of said courts for every additional 50,000 inhabitants in said county, over and above a population of 400,000. The terms of office of the judges of said courts hereafter elected, shall be six years.

CLERKS OF COURTS OF COOK COUNTY.] Section 27. The present clerk of the recorder's court of the city of Chicago shall be the clerk of the criminal court of Cook county, during the term for which he was elected. The present clerks of the Superior Court of Chicago, and the present clerk of the circuit court of Cook county, shall continue in office during the terms for which they were respectively elected; and thereafter there shall be but one clerk of the Superior Court, to be elected by the qualified electors of said county, who shall hold his office for the term of four years, and until his successor is elected and qualified.

#### ARTICLE VIII.

COUNTY SUPERINTENDENT.] Section 5. There may be a county superintendent of schools, in each county, whose qualifications, powers, duties, compensation and time and manner of election and term of office shall be prescribed by law.

#### ARTICLE X.

NO TOWNSHIP ORGANIZATION—COUNTY COMMISSIONERS.] Section 6. At the first election of county judges, under this Constitution, there shall be elected in each of the counties in this State, not under township organization, three officers, who shall be styled, "the board of county commissioners," who shall hold sessions for the transaction of county business as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years, and one for three years, to be determined by lot, and every year thereafter one such officer shall be elected in each of said counties for the term of three years.

COOK COUNTY—COMMISSIONERS.] Section 7. The county affairs of Cook county shall be managed by a board of commissioners of 15 persons, ten of whom shall be elected from the city of Chicago and five from towns outside of said city, in such manner as may be provided by law.

#### ARTICLE IV.

##### ELIGIBILITY.

ELIGIBILITY TO GENERAL ASSEMBLY.] Section 3. No person shall be a Senator who shall not have attained the age of twenty-five years, or a Representative who shall not yet have attained the age of twenty-one years. No person shall be a Senator or Representative who shall not be a citizen of the United States, and who shall not have been for five years a resident of this State, and for two years next

preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court, Secretary of State, Attorney General, State's attorney, recorder, sheriff, or collector of public revenue, member of either house of Congress, or person holding any lucrative office under the United States or this State, or any foreign government, shall have a seat in the General Assembly: *Provided*, that appointments in the militia and the offices of notary public and justice of the peace shall not be considered lucrative. Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States (except postmasters whose annual compensation does not exceed the sum of \$300), hold any office of honor or profit under authority of this State.

DISQUALIFICATION FOR ALL OFFICES.] Section 4. No person who has been, or hereafter shall be, convicted of bribery, perjury or other infamous crime, nor any person who has been, or may be, a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office of profit or trust in this State.

#### ARTICLE V.

TREASURER—TERM—SECURITY.] Section 2. The Treasurer shall hold his office for the term of two years and until his successor is elected and qualified, and shall be ineligible to said office for two years next after the end of the term for which he was elected. He may be required by the Governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

GOVERNOR—LIEUTENANT GOVERNOR—OTHER STATE OFFICERS.] Section 5. No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have attained the age of thirty years, and been, for five years next preceding his election, a citizen of the United States and of this State. Neither the Governor, Lieutenant Governor, Auditor of Public Accounts, Secretary of State, Superintendent of Public Instruction nor Attorney General shall be eligible to any other office during the period for which he shall have been elected.

#### ARTICLE VI.

ELIGIBILITY TO OFFICE OF JUDGE.] Section 3. No person shall be eligible to the office of judge of the Supreme Court unless he shall be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the district in which he shall be elected.

ELIGIBILITY FOR SEVERAL OFFICES.] Section 17. No person shall be eligible to the office of judge of the circuit or any inferior court, or to membership in the "board of county commissioners," unless he shall be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding this election, and be a resident of the circuit, county, city, cities or incorporated town in which he shall be elected.



OFFICERS—TERM—RESIDENCE—DUTIES—VACANCIES.] Section 32. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county or district for which they may be elected or appointed. The terms of office of all such officers, where not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is or may be provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year, the vacancies shall be filled by appointment, as follows: Of judges, by the Governor; of clerks of courts, by the court to which the office appertains, or by the judge or judges thereof; and of all such other offices, by the board of supervisors or board of county commissioners in the county where the vacancy occurs.

#### ARTICLE IX.

MUNICIPAL OFFICERS—ELIGIBILITY—SALARY.] Section 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office shall be increased or diminished during such term.

#### ARTICLE X.

OFFICERS' TERMS.] Section 8. In each county there shall be elected the following county officers, at the general election to be held on the Tuesday after the first Monday in November, A. D., 1882. A county judge, county clerk, sheriff and treasurer, and at the election to be held on the Tuesday after the first Monday in November, A. D. 1884, a coroner and clerk of the circuit court (who may be *ex officio* recorder of deeds, except in counties having sixty thousand and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884). Each of said officers shall enter upon the duties of his office, respectively, on the first Monday of December after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified. *Provided*, that no person having once been elected to the office of sheriff or treasurer shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.

#### ARTICLE V.

##### VACANCIES.

VACANCY—SUCCESSOR—SEMI-ANNUAL REPORT OF MONEYS.] Section 20. If the office of Auditor of Public Accounts, Treasurer, Secretary of State, Attorney General or Superintendent of Public Instruction shall be vacated by death; resignation or otherwise, it shall be the

duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. An account shall be kept by the officers of the executive department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the Governor, under oath; and any officer who makes a false report shall be guilty of perjury and punished accordingly.

## ARTICLE VII.

### SUFFRAGE.

QUALIFICATION OF LEGAL VOTERS.] Section 1. Every person having resided in this State one year, in the county ninety days, and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord 1848, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January, in the year of our Lord 1870, or who shall be a male citizen of the United States, above the age of 21 years, shall be entitled to vote at such election.

BALLOT.] Section 2. All votes shall be by ballot.

VOTER PRIVILEGED FROM ARREST AND MILITARY DUTY.] Section 3. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

RESIDENCE—WHEN NOT LOST.] Section 4. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States, or of this State, or in the military or naval service of the United States.

SOLDIER STATIONED HERE NOT RESIDENT.] Section 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

QUALIFICATIONS FOR OFFICE.] Section 6. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

DISENFRANCHISEMENT FOR CRIME.] Section 7. The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

## STATUTORY PROVISIONS.

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### PUBLIC OFFICERS—WHEN ELECTED.

1. ELECTORS OF PRESIDENT AND VICE PRESIDENT OF UNITED STATES—ELECTION.] [§ 1, Ch. 46, R. S.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be elected, by general ticket, on the Tuesday next after the first Monday in November preceding the expiration of the term of office of each President of the United States, as many electors of President and Vice President of the United States as this State may be entitled to elect, which election shall be conducted and returns thereof made as hereinafter provided. *Provided*, that if Congress should hereafter fix a different day for such election, then the election for electors shall be held on such day as shall be named by act of Congress.

2. RETURNS—CANVASS—TIE.] [§ 2, Ch. 46, R. S.] The county clerks of the several counties shall, within eight days next after holding an election for electors of President and Vice President of the United States, as is provided for in this act, make three copies of the abstract of votes for electors, and transmit by mail one of said copies to the Governor, another to the office of the Secretary of State, and retain the third in his office, to be sent for by the Governor in case both the others should be mislaid. Within twenty days after the holding of such election, and sooner if all the returns are received by either the Governor or by the Secretary of State, the Secretary of State, Auditor of Public Accounts and Treasurer, or any two of them, shall, in the presence of the Governor, proceed to open and canvass said election returns, and to declare the persons having the highest number of votes elected; but should any two or more persons be returned with an equal, and the highest vote, the said Secretary of State shall cause a notice of the same to be published, which notice shall name some day and place, not less than five days from the time of the publication of such notice, upon which the said Secretary, Auditor and Treasurer will decide by lot which of said persons so equal and highest is elected. And upon the day and at the place so appointed in said notice, the said Secretary, Auditor and Treasurer, or any two of them, shall, in the presence of the Governor, decide by lot which of the persons so equal and highest shall be elected.

3. RESULT TO BE PUBLISHED—CERTIFICATE TO BE SENT PERSON ELECTED.] [§ 3, Ch. 46, R. S.] The Governor shall cause the result of said election to be published, and shall transmit by mail, to the persons elected, certificates of their election.

4. MEETING OF ELECTORS—MILEAGE.] [§ 4, Ch. 46, R. S.] The electors, chosen as aforesaid, shall meet at the seat of government of this State, at the time appointed by the laws of the United States, and give their votes in, in the manner therein provided, and perform such duties as are or may be required by law. Each elector shall receive for every twenty miles' necessary travel in going to the seat of government to give his vote, and returning to his residence, to be computed by the most usual route, the sum of three dollars, to be paid on the warrant of the Auditor, out of any money in the treasury not otherwise appropriated.

5. VACANCY FILLED.] [§ 5, Ch. 46, R. S.] In case any person declared duly elected an elector of President and Vice President of the United States shall fail to attend at the State House, at the seat of government of this State, at or before the hour of twelve o'clock, at noon, of the day on which his vote is required to be given, it shall be the duty of the elector or electors of President and Vice President, attending at the time and place, to appoint a person or persons to fill such vacancy. *Provided*, that should the person or persons chosen by the people, as aforesaid, arrive at the place aforesaid before the votes for President and Vice President are actually given, the person or persons appointed to fill such vacancy shall not act as elector of President and Vice President.

#### STATE OFFICERS.

6. GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, AUDITOR OF PUBLIC ACCOUNTS AND ATTORNEY GENERAL.] [§ 7, Ch. 46, R. S.] The Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts and Attorney General shall be elected on Tuesday next after the first Monday in November, of the year of our Lord 1872, and every four years thereafter.

7. SUPERINTENDENT OF PUBLIC INSTRUCTION.] [§ 8, Ch. 46, R. S.] The Superintendent of Public Instruction shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1874, and every four years thereafter.

8. STATE TREASURER.] [§ 9, Ch. 46, R. S.] The State Treasurer shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every two years thereafter.

9. TRUSTEES OF THE UNIVERSITY OF ILLINOIS.] [§§ 17 and 18, Ch. 144, R. S.] There shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1888, and every two years thereafter, three trustees of the University of Illinois, whose term of office shall be six years from the second Tuesday of March next succeeding the dates of their several elections, and until their successors shall have been elected and qualified.

10. REPRESENTATIVES IN CONGRESS.] [§ 6, Ch. 46, R. S.] Representatives in Congress shall be elected on Tuesday next after the first Monday in November, in the year of our Lord 1872, and every two years thereafter; but if Congress shall fix a different day, then such election shall be held on the day so fixed by Congress.

11. STATE BOARD OF EQUALIZATION.] [§ 26, Ch. 46, R. S.] There shall be elected in each Congressional district, on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every four years thereafter, a member of the State Board of Equalization.

12. STATE SENATORS.] [§ 14, Ch. 46, R. S.] State Senators shall be elected as follows, to-wit: Those in districts bearing even numbers shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every four years thereafter. Those in districts bearing odd number shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1874, and every four years thereafter.

13. MEMBERS OF THE HOUSE OF REPRESENTATIVES.] [§ 15, Ch. 46, R. S.] Members of the House of Representatives shall be elected on Tuesday next after the first Monday in November, in the year of our Lord 1872, and every two years thereafter.

#### JUDGES.

14. JUDGES OF THE SUPREME COURT.] [§ 10, Ch. 46, R. S.] The judges of the Supreme Court shall be elected as follows, to-wit: In the First, Second, Third, Sixth and Seventh districts, on the first Monday of June, in the year of our Lord 1879, and every nine years thereafter. In the Fourth district, on the first Monday in June, in the year of our Lord 1876, and every nine years thereafter. In the Fifth district, on the first Monday in June, in the year of our Lord 1873, and every nine years thereafter.

15. JUDGES OF THE CIRCUIT COURT.] [§§ 71d, 72 and 74, Ch. 37, R. S.] The judges of the circuit court, three for each circuit outside the county of Cook, and fourteen (14) in the county of Cook, shall be elected on the first Monday in June, in the year of our Lord 1897, and every six years thereafter.

16. JUDGES OF THE SUPERIOR COURT OF COOK COUNTY.] [§ 13, Ch. 46; §§ 71d and 71e, Ch. 37, R. S., 1898.] Each of the sitting judges of the Superior Court of Cook county shall hold his office until the expiration of the term for which he was elected; and from and after the passage of this act, the twelve (12) judges of the Superior Court of Cook county shall be elected as follows:

One judge on the first Monday in June, in the year of our Lord 1897, and every six years thereafter; and

Six (6) judges on Tuesday next after the first Monday in November, in the year of our Lord 1898, and every six (6) years thereafter; and

Four (4) judges on Tuesday next after the first Monday in November, in the year of our Lord 1899, and every six (6) years thereafter; and

One judge on the first Tuesday after the first Monday of November, in the year of our Lord 1901, and every six (6) years thereafter.

Each of the judges so elected as above provided shall enter upon the duties of his office on the first Monday of December next after his election, and shall hold office for a term of six (6) years, and until his successor is elected and qualified.

17. ELECTION OF COUNTY JUDGES.] [§ 16, Ch. 46, R. S.] The county judge, in each county, shall be elected on Tuesday next after the first Monday in November, 1882, and every four years thereafter and shall enter upon the duties of his office on the first Monday of December after his election, and shall hold his office until his successor is elected and qualified.

18. JUDGES OF COURTS OF PROBATE.] [§§ 216 and 218, Ch. 37, R. S.] A judge of the probate court, in each county having a population of seventy thousand or more, shall be elected on Tuesday after the first Monday of November, at the same election at which the county judge is elected, and every fourth year thereafter, and shall enter upon the duties of his office on the first Monday of December after his election, and shall hold his office until his successor is elected and qualified.

19. JUDGES OF CITY COURTS.] [§ 244, Ch. 37, R. S.] Judges of city courts shall be elected in the same manner that the city officers of such city are elected, but not at the same time, and shall hold their office for the term of four years, and until their successors are elected and qualified.

#### CLERKS.

20. CLERK OF THE SUPREME COURT.] [§ 3a, Ch. 37, and § 11, Ch. 46, R. S.] A clerk of the Supreme Court shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1902, and every six years thereafter.

21. CLERK OF THE APPELLATE COURT.] [§ 20, Ch. 37, R. S.] One clerk of the appellate court shall be elected in each appellate court district; on the Tuesday next after the first Monday in November, 1878, and every six years thereafter. Said clerk shall be commissioned by the Governor.

22. CLERK OF THE CIRCUIT COURT.] [§ 18, Ch. 46, R. S.] The clerks of the circuit court shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every four years thereafter.

23. CLERK OF THE SUPERIOR COURT OF COOK COUNTY.] [§ 19, Ch. 46, R. S.] The clerk of the superior court of Cook county shall be elected on Tuesday next after the first Monday of November, A. D. 1884, and every four years thereafter, and shall enter upon the duties of his office on the first Monday of December after his election.

24. CLERK OF THE CRIMINAL COURT OF COOK COUNTY.] [§ 20, Ch. 46, R. S.] The clerk of the criminal court of Cook county shall be elected on Tuesday next after the first Monday of November, 1886, and every four years thereafter.

25. COUNTY CLERKS.] [§ 16, Ch. 46, R. S.] The county clerks, in each county, shall be elected on Tuesday next after the first Mon-

day of November, A. D. 1882, and every four years thereafter, and shall enter upon the duties of their office on the first Monday of December after their election.

26. PROBATE CLERKS.] [§ 228, Ch. 37, R. S.] A clerk of probate court, in each county where such court is established, shall be elected at the same time as the probate judge is elected, and every four years thereafter, and shall hold office until his successor is elected and qualified.

27. CLERK OF CITY COURT.] [§ 246, Ch. 37, R. S.] There shall be elected, in like manner as judges are elected, for each city court established by law, a clerk who shall hold his office for the term of four years, and until his successor shall be elected and qualified.

#### COUNTY OFFICERS.

28. SHERIFFS.] [§ 17, Ch. 46, R. S.] The sheriff, in each county, shall be elected on Tuesday next after the first Monday of November, A. D. 1882, and every four years thereafter, and shall enter upon the duties of his office on the first Monday of December after his election.

29. CORONERS.] [§ 17, Ch. 46, R. S.] A coroner, in each county, shall be elected on the Tuesday next after the first Monday of November, A. D. 1884, and every four years thereafter, and shall enter upon the duties of his office on the first Monday of December after his election.

30. CLERKS OF CIRCUIT COURTS.] [§ 18, Ch. 46, R. S.] The clerks of the circuit courts shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every four years thereafter.

31. COUNTY TREASURERS.] [§§ 21 and 22, Ch. 46, R. S.] County treasurers shall be elected on Tuesday next after the first Monday of November, 1882, and every four years thereafter; they shall enter upon the duties of their offices on the first Monday of December after their election. No person having once been elected county treasurer shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.

32. COUNTY SURVEYORS.] [§ 23, Ch. 46, R. S.] A county surveyor shall be elected in and for each county on Tuesday next after the first Monday of November, in the year 1884, and every four years thereafter, and shall enter upon his office on the first Monday in December after his election.

33. COUNTY SUPERINTENDENTS OF SCHOOLS.] [§ 24, Ch. 46, R. S.] County superintendents of schools shall be elected on Tuesday next after the first Monday of November, 1882, and every four years thereafter; they shall enter upon their offices on the first Monday of December after their election.

34. STATE'S ATTORNEYS.] [§ 25, Ch. 46, R. S.] A State's attorney shall be elected in each county on Tuesday next after the first Monday of November, 1884, and every four years thereafter, and shall enter upon his office on the first Monday in December after his election.



35. RECORDERS OF DEEDS IN CERTAIN COUNTIES.] [§ 27, Ch. 46, R. S.] In counties having a population of 60,000 or more there shall be elected a recorder of deeds, on Tuesday next after the first Monday of November, in the year of our Lord 1872, and every four years thereafter.

36. COUNTY COMMISSIONERS.] [§ 28, Ch. 46, R. S.] In counties not under township organization there shall be elected, on Tuesday next after the first Monday of November in each year, one county commissioner, who shall hold his office for the term of three years.

37. COUNTY COMMISSIONERS OF COOK COUNTY.] [§§ 60 and 61, Ch. 34, R. S.] On the first Tuesday after the first Monday in November, A. D. 1894, and every two years thereafter, there shall be elected in Cook county fifteen (15) county commissioners, who shall hold their offices, respectively, for the term of two years and until their successors are elected and qualified. Ten of said commissioners shall be elected from the city of Chicago, by the legal voters of said city, and five of said commissioners shall be elected from the towns outside of said city, by the legal voters of said towns. Every legal voter in said county may vote for and designate (upon his ballot cast for county commissioners) one of the candidates for commissioner to be president of the county board; and the person who shall receive the highest number of such votes shall be declared elected president of such board. Terms of office of said commissioners shall begin on the first Monday of December after their election. Each of the commissioners shall have been a resident of said county for five years next preceding his election.

38. [JUSTICES AND CONSTABLES.] [§ 1, Ch. 79, R. S.] That on the first Tuesday in April, A. D. 1897, and at each quadrennial election for town officers thereafter, there shall be elected in each town in counties under township organization (except as to justices of the peace in the city of Chicago, in Cook county), and on Tuesday next after the first Monday in November, A. D. 1897, and on the same day quadrennially thereafter, there shall be elected in each election precinct in counties not under township organization, two justices of the peace and two constables, and one justice of the peace and one constable for every 1,000 inhabitants exceeding 2,000 inhabitants of such town or precinct: *Provided*, no more than five justices of the peace and five constables shall be elected in any town or precinct, and that in towns containing any portion of the city of Chicago, there shall be elected one additional constable for each additional 10,000 inhabitants of such towns exceeding 10,000 inhabitants, and no more. The term of office of justices of the peace and constables shall be for four years and until their successors are elected and qualified. In counties under township organization their terms shall commence on the first Monday in May, and in counties not under township organization on the first Monday in December after their election. No justice of the peace shall hold the office of police magistrate.

## ARTICLE II.

## ELECTION PRECINCTS AND OFFICERS

1. PRECINCTS.] [§ 29, Ch. 46, R. S.] In counties not under township organization, the election precincts shall remain as now established until changed by the board of county commissioners, but said county board may, from time to time, change the boundaries of election precincts and establish new ones. In counties under township organization, each town shall constitute an election precinct.

2. CHANGE OF ELECTION PRECINCTS—DIVIDING PRECINCTS INTO DISTRICTS—POLLING PLACES AT SOLDIERS' HOMES.] § 30, Ch. 46, R. S.) The county board in each county shall, at its regular meeting in the month of June, or an adjourned meeting in the month of July, 1903, divide its election precincts which contain more than four hundred and fifty (450) voters, into election districts, so that each district shall contain, as near as may be practicable, four hundred (400) voters, and not more in any case than four hundred and fifty (450). Said district shall be composed of contiguous territory, and in as compact form as can be for the convenience of the electors voting therein. The several county boards in establishing said districts, shall describe them by metes and bounds, and number them. And so often thereafter as it shall appear by the number of votes cast at the general election held in November of any year, that any election district or undivided election precinct contains more than four hundred and fifty (450) voters, the county board of the county in which said district or precinct may be, shall, at its regular meeting in the month of June, or an adjourned meeting in the month of July, next, after such November election, redivide or readjust such election district, or election precinct, so that no district or election precinct shall contain more than the number of votes above specified. If, for any reason, said county board shall fail in any year to redivide or readjust said election districts or election precincts, then said districts or precincts as then existing, shall continue until the next regular June meeting of said county board; at which regular June meeting, or an adjourned meeting in the month of July, said county board shall redivide or readjust said election districts, or election precincts in manner as herein required. And on or before the first [1st] day of September, 1903, the county clerk in each county shall make a correct list of all election districts and election precincts into which the county is divided, designating each by its name or number, or name and number as the case may be, and forward said list to the Secretary of State; and, thereafter, when at any meeting of the county board any redivision, readjustment or change in name or number of election districts or election precincts, is made by the said county board, it shall be the duty of the county clerk to immediately notify the Secretary of State of such redivision, readjustment or change. The county board in every case shall fix and establish the places for holding elections in its respective county, and all general and special elections, town meeting elections or town elections, shall be held at

the places so fixed. The said polling places shall in all cases be upon the ground floor in the front room, the entrance to which is in a highway or public street, which is at least forty (40) feet wide, and is as near the center of the voting population of the district as is practicable, and for the convenience of the greatest number of electors to vote thereat; and in no case shall an election be held in any room used or occupied as a saloon, dram shop, bowling alley or as a place of resort for idlers and disreputable persons, billard [billiard] hall, or in any room connected therewith by doors or hallways. No person shall be permitted to vote at any election, except in the district in which he resides: *Provided*, that the county board may, if it deem it for the best interest of the voters of any town or precinct, divide any election precinct which contains more than three hundred (300) legal voters, into two election precincts, said precincts to contain as near two hundred (200) voters as is possible: *Provided, further*, that it shall be the duty of the county board in each county where any State soldiers' and sailors' home, or homes or any National home for disabled volunteer soldiers are located, the inhabitants of which are entitled to vote, to fix and establish the place or places for holding such election or elections, at some convenient and comfortable place or places easy of access on the ground or grounds, and within the enclosures where such State soldiers' and sailors' home or homes, or National home for disabled volunteer soldiers are located.

#### ELECTION OFFICERS.

3. JUDGES—HOW APPOINTED.] [§ 32, Ch. 46, R. S.] In counties not under township organization, the county board of commissioners shall at its regular (or at a special) meeting in the month of June or July in each year, appoint in each election precinct or district, as the case may require (where judges have not been elected therein) three capable and discreet electors to be judges of election. No more than two persons of the same political party shall be appointed judges of the same election district or undivided precinct. The appointment shall be made in the following manner: The members of said county board of commissioners who represent the political party having the greatest number of votes on said county board of commissioners, being less than the whole number, shall select (and the county board of commissioners shall appoint such selection when made) two persons, who are legal voters, as judges of election in each election precinct or district in said county which gave in the preceding general election in said election precinct or district the higher number of votes to said political party having the greatest number of votes upon said county board of commissioners, and shall also select one person, who is a legal voter, as judge of election in each of the other election precincts or districts in said county, which at the preceding general election gave in said election precinct or district, the second higher number of votes to said political party having the greatest number of votes on said county board of commissioners. The member of the county board of commissioners who represents the political party having the next highest number of votes upon said county board of commissioners shall have the power and authority to

select (and the county board of commissioners shall appoint such selection when made) two persons who are legal voters as judges of election in each election precinct or district, which at the preceding general election gave in said election precinct or district, the higher number of votes to said political party having the next highest number of votes upon said county board of commissioners and said member of the county board of commissioners representing said political party having the next highest number of votes upon said county board of commissioners shall also select, and the county board of commissioners shall appoint the said selection, when made, one person, who is a legal voter, as judge of election in each of the other election precincts or districts in said county. In case the three members of the county board of commissioners represent three different political parties, then in that case, the member of the county board of commissioners representing the political party casting the highest number of votes at the preceding general election in any election precinct or district shall select the two judges of election to serve in such election precinct or district, and the member of the county board of commissioners who may represent the political party casting the next highest number of votes at the preceding general election in any election precinct or district, shall select the one judge of election to serve in such election precinct or district: *Provided*, that if any county board of commissioners shall be composed of members who belong to any one political party entirely, then in that case the chairman of the county central committee of the political party casting the highest or next highest number of votes at the last preceding general election in each election precinct or district shall select the two judges of election, or the one judge of election, as the case may be, and the county board of commissioners shall appoint the said judge or judges of election so selected by the chairman of the above mentioned county central committee. Said election judges shall hold their office for one year from their appointment, and until their successors are duly appointed in the manner heretofore provided. The said county board of commissioners shall fill all vacancies in said office of judge of election at any time in the manner heretofore provided.

4. QUALIFICATIONS OF JUDGES.] [§ 31, Ch. 46, R. S.] Every person elected or chosen judge of election shall be of fair character, approved integrity, well informed, who can read, write and speak the English language, and has resided in the election precinct or district, in which he is to serve, for one year next preceding the election, and is entitled to vote therein at such election.

5. JUDGES IN COUNTIES UNDER TOWNSHIP ORGANIZATION] [§ 33, Ch. 46, R. S.] In counties under township organization the county board shall, at its regular (or at a special) meeting in the month of June of each year, except when such judges and clerks are appointed by election commissioners, appoint in each election precinct or district in the county, three capable and discreet electors to be judges of election, and who shall possess the qualifications required by this act for such judges. No more than two persons of the same political party shall be appointed judges in the same election district or undi-

vided precinct. The town supervisor shall be appointed as one of such judges of election in the district or precinct in which he resides. The appointment of the remaining judges of election in the various election precincts and districts shall be made in the following manner:

The members of the county board of supervisors belonging to the political party having the greatest number of votes upon said county board of supervisors shall select (and the county board shall appoint the selection so made) the majority of the election judges in each election district or precinct in each township in which said political party cast the highest number of votes at the preceding general election for Governor, and shall also select (and the county board shall appoint the selection so made) the minority judge of election in each election district or precinct in each township in which said political party cast the second highest number of votes for Governor at the preceding general election. The members of the county board of supervisors belonging to the political party having the second greatest number of votes upon said county board of supervisors shall select (and the county board shall appoint the selection so made) the majority of the election judges in each election district or precinct in each township in which said political party cast the highest number of votes at the preceding general election for Governor, and shall also select (and the county board shall appoint the selection so made) the minority election judge in the election district or precinct in each township in which said political party cast the second highest number of votes at the preceding general election for Governor: *Provided*, that if the county board of supervisors shall be composed of members who belong to any one political party entirely, then, in that case, the chairman of the county central committee of the other political party casting the next highest number of votes in said county at the preceding general election is hereby empowered and authorized to make the selection of the minority judge of election, who shall serve in each of the election districts or precincts in said county, and the members of the county board of supervisors are hereby directed to make the appointment of said minority judges of election for each election district or precinct as selected by the chairman of the above mentioned county central committee: *And, provided, further*, that where the county board shall be equally divided and two political parties shall be represented by an equal number of members, the selection and appointment of such judges of election shall be made as in the case where there is a majority of members on the county board belonging to one political party. The members representing the political party casting the highest number of votes in a township at the preceding election for Governor shall select the majority judges of election in said township, and the members representing the political party that cast the second highest number of votes at the preceding election for Governor in said township shall select the minority judges of election in said township, and the county board shall appoint the selection so made: *And, provided, further*, that where a supervisor shall be elected in a township, said supervisor representing a political party that neither has the highest nor second highest number of votes for members on the said county

board, the said supervisor shall be authorized and empowered to select a majority of the judges of election in the precincts or election districts in said township, such persons to represent the same political faith or belief as said supervisor, and the county board shall appoint the selection so made. The members of the county board representing the political party casting the second highest number of votes in said township at the preceding general election for Governor shall select the minority judges of election in said township and the county board shall appoint the selection so made. Such judges of elections shall hold their office for one year from their appointment and until their successors are duly appointed in the manner hereinbefore provided. The said county board of supervisors shall fill all vacancies in said office of judges of elections at any time, in the manner hereinbefore provided.

6. NOTICE OF APPOINTMENT.] [§ 34, Ch. 46, R. S.] Immediately on the appointment of such judges, the county clerk shall make out and deliver to the sheriff of the county, a notice thereof, directed to each person so appointed, and the sheriff shall, within twenty days after the receipt of such notices deliver the same to the several judges so appointed.

7. TERM OF OFFICE.] [§ 35, Ch. 46, R. S.] The judges so appointed shall be and continue judges of all general and special elections held within their respective precincts or districts until other judges shall be appointed in like manner.

8. VACANCIES FILLED.] § 36, Ch. 46, R. S.] If, at the time for the opening of any election, any person appointed or constituted a judge of election shall not be present, or will not act or take the oath to act in such capacity, the judge or judges present may appoint some other qualified elector to act in his place. If there be no judge of election present, or he refuses to act, such electors of the precinct or district as may then be present at the place of election, may fill the places of such judges by election from their number. The judges so appointed shall have the same power and be subject to the same penalties as other judges of election.

9. CLERKS OF ELECTION.] [§ 37, Ch. 46, R. S.] Each judge of election shall choose a person having the qualifications of a judge of election, to act as clerk of election, who may continue to act as such during the pleasure of the judge making such appointment.

10. OATH.] [§ 38, Ch. 46, R. S.] Previous to any votes being taken, the judges and clerks of the election shall severally subscribe and take an oath or affirmation in the following form, to-wit:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of judge of election (or clerk, as the case may be) according to the best of my ability, and that I have resided in this election district for one year next preceding this election, and am entitled to vote at this election."

11. BY WHOM ADMINISTERED.] [§ 39, Ch. 46, R. S.] In case there shall be no judge or justice of the peace present at the opening

of the election, or in case such judge or justice shall be appointed a judge or clerk of election, it shall be lawful for the judges of the election to administer the oath or affirmation to each other, and to the clerks of election, and the person administering such oath or affirmation shall cause an entry thereof to be made and subscribed by him and prefixed to each poll book.

12. CONSTABLES—COUNTY BOARD, OR JUDGES, MAY APPOINT.] [§ 43, Ch. 46, R. S.] The county board may appoint one or more constables to attend each place of holding elections and preserve order during the election; if no constable is appointed by the county board to attend any place of holding election, or if others shall be necessary to preserve order, the judges of election may appoint one or more constables for that purpose.

13. SPECIAL CONSTABLE.] [§ 44, Ch. 46, R. S.] The judges of election may appoint any suitable person to act as a special constable during the election.

14. SUPPRESSION OF RIOT, ETC.—ARREST.] [§ 45, Ch. 46, R. S.] Any constable attending such election may call to his aid a sufficient number of citizens to arrest any disorderly person or suppress any riot or disorder during the election. Whoever conducts himself in a riotous or disorderly manner at any election, and persists in such conduct after being warned to desist, may be arrested without warrant.

### ARTICLE III.

#### REGISTRATION OF ELECTORS.

1. BOARD OF REGISTRATION—MEETING—REGISTER] [§ 135, Ch. 46, R. S.] The persons authorized by law, or appointed pursuant to any town or city ordinance, to act as judges of elections in any town, city or ward, or other election district or precinct shall constitute a "board of registry" for their respective towns, cities, wards, districts or precincts, and shall meet on Tuesday, three weeks preceding any State election, at 9:00 o'clock a. m., and proceed to make a list, as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election in the election district of which they are judges, which list when completed shall constitute and be known as the "register" of electors of said election district. In election districts in towns which lie wholly within the limits of an incorporated city, a register of electors shall be made for all elections, whether general, special, local or municipal, in the same manner as herein provided in the case of State elections.

2. MANNER OF MAKING REGISTER, ETC.—FIRST MEETING.] [§ 136, Ch. 46, R. S.] Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged according to their respective surnames, so as to show, in one column, the name in full length, and in another column in cities, the residence by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place of each person. It shall be the duty of said board to enter in said list the



names of all persons residing in their election district, whose names appear on the poll list kept in said district at the last preceding election—in cities the number of the dwelling and the name of the street or other location, if the same shall be known to or can be ascertained by such board—and for this purpose said board is authorized to take from the office in which they are filed the poll lists made and filed by the judges of such district, at the election held next prior to the making of such register. In making said list, the board shall enter thereon in addition to the names on the poll lists, the names of all other persons who are well known to them to be electors in said district; and the names of all persons on the poll lists who have died or removed from the district shall be omitted from the register. The said board shall complete, as far as practicable, the said register on the day of its meeting aforesaid, and shall make two copies thereof, and certify the register and each of the copies to be a true list of the voters in said district, so far as the same are known. Within two days thereafter, the said original list, together with the list taken from the office, as aforesaid, shall be filed by said board in the office of the town clerk of the town in which said election district may be, but in counties not adopting township organization, said lists shall be filed with the judges of election in the proper district, or, if such election district is in a city, then it shall be filed in the office of the city clerk of said city. And one copy of said list shall be kept by one of said judges, and carefully preserved by him for use on the day or days hereinafter mentioned, for the revision and correction of the same. One copy of said list shall, immediately after its completion, be posted in some conspicuous place where the last preceding election in said district was held, and be accessible to any elector who may desire to examine the same and make copies thereof.

3. NEW ELECTION DISTRICTS.] [§ 137, Ch. 46, R. S.] In case a new election district shall be formed by the organization of a new town, or by the division of any town or ward, or the incorporation of a city or town, the judges of election in the new district thus formed may make their registry of electors on the day prescribed by this act, in such a manner as a majority of them may direct, and for that purpose may make a list, or cause to be made a certified copy of the poll list or lists of the district in which such new district is situated, or they may dispense with such list or lists and proceed to make a register of electors from the best means at their command. Said lists shall only embrace the names of such persons as are known to them to be electors in said new district, and shall be posted up and copies thereof made, as prescribed in the preceding section, and shall be corrected in the same manner that other lists are corrected.

4. REVISION REGISTER—SECOND MEETING.] [§ 138, Ch. 46, R. S.] The said board shall again meet on Tuesday of the week preceding the said elections, in their respective election districts, at the place designated for holding the polls of the election, for the purpose of revising, correcting and completing said list; and for this purpose, in cities, they shall meet at 8:00 o'clock in the morning and remain in

session until 9:00 o'clock p. m., and in other districts they shall meet at 9:00 o'clock in the morning and remain in session until 4:00 o'clock p. m.

5. PROCEEDINGS OPEN—CORRECTIONS, ETC.] [§ 139, Ch. 46, R. S.] The proceedings of said board shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said board in relation to corrections or additions to said register. One of the lists so kept by the judges, as aforesaid, shall be used by them on the day or days of making corrections or additions, for the purpose of completing the registry for such district.

6. REVISING REGISTER—ADDITION OF NEW NAMES.] [§ 140, Ch. 46, R. S.] It shall be the duty of said board, at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein who shall be proved by the oath of two legal voters of said district, to the satisfaction of said board, to be non-residents of said district, or otherwise not entitled to vote in said district at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board and require his name to be recorded on said alphabetical list. Any person so requiring his name to be so entered on said list shall make the same statement as to the street and number thereof, and where he resides, required by the provisions of this act of persons offering their votes at elections, and shall be subject to the same penalties for refusing to give such information or for falsely giving the same, and shall also be subject to challenge, either by the judges, or either of them, or by any other elector whose name appears on said alphabetical list; and the same oaths may be administered by the judges as now provided in case of persons offering to vote at an election; and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenge, if such person shall make oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year.

7. COPIES OF REGISTER—FILING—DELIVERY TO JUDGES—VOTING—SWEARING IN VOTE, ETC.] [§ 141, Ch. 46, R. S.] After said lists shall have been fully completed, the said board shall, within three days thereafter, cause two copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of said district, one of which shall be filed in the office of the town clerk of towns, and in the office of the city clerks of cities, and one of which copies shall be delivered to said judges. It shall be the duty of the said judges so receiving such list, carefully to preserve the said list for their use on election day, and to designate two of their number, at the opening of the polls, to check the name of every voter voting in such district whose name is on the register. No vote shall be received at any State election if the name of the person offering to vote be not on the said register made on the Tuesday preceding the election, unless the person offering to vote shall furnish to the judges of the election his affidavit, in writing, stating therein that he is an inhabitant of said district and entitled to vote therein at such elec-

tion, and prove by the oath of a householder and registered voter of the district in which he offers to vote that he knows such person to be an inhabitant of the district, and, if in any city, giving the residence of such person within said district. The oath may be administered by one of the judges of the election, at the poll where the vote shall be offered, or by any other person authorized to administer oaths, but no person shall be authorized to receive compensation for administering the oath. Said oath shall be preserved and filed in the office of the town or city clerk, or in case there be no clerk, then said oath shall be filed with and preserved by the judges of the proper district. Any person may be challenged, and the same oaths shall be put as are now or hereafter may be prescribed by law.

8. POLL LIST AND REGISTER TO BE FILED.] [§ 143, Ch. 46, R. S.] After the canvass of the votes, one of said poll lists and said registers so kept and checked, as aforesaid, shall be attached together and shall be, on the following day, filed in the town or city clerk's office (as the case may be) in which said district may be, or in case there be no such clerk, then such poll lists and register shall be filed with and preserved by the judges, to be used by the board of registry in making the list of voters at the next State election; the other of the said poll lists and registers, so kept and checked, shall be returned to the office of the county clerk of the county in which said district may be, at the same time the returns of the election are made.

9. REGISTERS OPEN TO INSPECTION.] [§ 144, Ch. 46, R. S.] The registers shall at all times be open to public inspection, at the office of the authorities in which they shall be deposited, without charge.

10. PRESERVING ORDER.] [§ 146, Ch. 46, R. S.] The said board shall have and exercise the same power in preserving order at their meetings, under this act, as are given to judges of election for preserving order on election days; and vacancies in said board shall be filled in the same manner that vacancies are now filled at elections.

11. BLANKS TO BE FURNISHED.] [§ 148, Ch. 46, R. S.] The necessary blanks for making the registers required by law shall be prepared by the Secretary of State, and transmitted to the persons entitled to receive them, in the same manner that blank returns of elections are now transmitted.

12. EXCEPTIONS.] This article does not apply to cities, villages and incorporated towns that have adopted an act entitled "An act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885.

## ARTICLE IV.

### COMPENSATION OF ELECTION OFFICERS.

1. JUDGES AND CLERKS.] [§ 63, Ch. 46, R. S.] All judges and clerks of election in counties of the first and second class shall be allowed the sum of three (3) dollars per day for their services, and judges and clerks of election in counties of the third class the sum of five (5) dollars each per day for their services.

2. SPECIAL CONSTABLE.] [§ 44, Ch. 46, R. S.] Constables serving at elections, by appointment of the county board or of the judges of election, shall be paid out of the county treasury not exceeding two dollars for each day's service.

3. BOARD OF REGISTRATION.] [§ 145, Ch. 46, R. S.] Members of the board of registration shall each receive two dollars per day for each day actually employed, not exceeding two days, in the making and completion of the registry.

4. MODE OF PAYMENT.] [§ 75, Ch. 46, R. S.] The county clerk, on receipt of the returns of any general or special election, shall make out his certificate, stating the compensation to which members of the board of registration and judges and clerks of election are entitled for their services, and lay the same before the county board at its next session; and said board shall order the compensation aforesaid to be paid out of the county treasury.

## ARTICLE V.

### NOMINATION OF CANDIDATES.

1. NOMINATION OF CANDIDATES.] [§ 290, Ch. 46, R. S.] Any convention of delegates and any caucus or meeting of qualified voters as hereinafter defined, and individual voters to the number and in the manner hereinafter specified, may nominate candidates for political office, whose names shall be placed upon the ballots to be furnished as hereinafter provided: *Provided*, that in any county, city, village or incorporated town, respectively, in which an act entitled, "An act providing for primary elections of delegates to nominating conventions of political parties or organizations, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," shall be in force, no candidate nominated by any convention of any political party or organization of any such county, city, village or incorporated town or any part thereof, or for the Congress of the United States, shall have his name printed on any official ballot printed and distributed at the public expense in such county, city, village or incorporated town, or any part thereof, unless such candidate shall be nominated by a convention composed of delegates elected for that purpose at the primary election of such political party last preceding the holding of such convention, according to the act entitled, "An act providing for primary elections of delegates to nominating conventions of political parties or organizations and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof."

2. CAUCUS NOMINATIONS—CERTIFICATE AND REQUISITES.] [§ 291, Ch. 46, R. S.] Any convention of delegates, caucus or meeting representing a political party which at the general election next preceding polled at least two per cent of the entire vote cast in the State, or

in the electoral district or division thereof, or in the municipality for which the nomination is made, may for the State, or for the electoral district or division thereof, or municipality for which the convention, caucus or meeting is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as are required in section 4 of this article, and shall be signed by the presiding officer and by the secretary of the convention, caucus or meeting, who shall add to their signatures their places of residence. Such certificates shall be sworn to by them to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

3. NOMINATION CERTIFICATES—SIGNATURES.] [§ 292, Ch. 46, R. S.] Nomination of candidates for any office to be filled by the voters of the State at large may also be made by nomination papers signed in the aggregate for each candidate by not less than 1,000 qualified voters of the State. Nominations of candidates for office within any district or political division less than the State, and in all cities having a population in excess of 5,000, may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district or political division, not less than one for each fifty persons who voted at the next preceding general election in such district or division, but in no case less than twenty-five. In elections to be held in a town, village, precinct or ward, and in all cities with a population not exceeding 5,000, the signatures of voters thereof equaling 5 per cent of the vote cast therein at the last preceding election shall be sufficient for the nomination of a candidate who is to be voted for only in such town, village, precinct, ward or city. Each voter signing a nomination paper shall add to his signature his place of residence, and each voter may subscribe to one nomination for each office to be filled, and no more: *Provided*, that the name of any candidate whose name may appear in any other place upon the ballot, shall not be added by petition for the same office.

4. NOMINATION PAPERS—REQUISITES.] [§ 293, Ch. 46, R. S.] All certificates of nomination or nomination papers shall, besides containing the names of the candidates, specify as to each:

1. The office to which he is nominated.
2. The party or political principle which he represents, expressed in not more than five words.
3. His place of residence with the street and number thereof, if any. In the case of electors for President and Vice President of the United States the names of the candidates for President and Vice President may be added to the party or political appellation.

\*4a. NOMINATIONS BY PETITION—REQUISITES.] All petitions for nomination of candidates for public office in this State shall, in addition to other requirements provided by law, be as follows: Such petitions shall consist of sheets of uniform size and each sheet shall contain, above the space for signatures, an appropriate heading, giv-

\* Paragraph 4a is section 5½ added to the "Australian Ballot Law" of 1891, by the act of May 18, 1905, Laws 1905, p. 208.

ing the information as to name of candidate or candidates in whose behalf such petition is signed; the office, the party or political principle, place of residence and such other information or wording as required to make same valid, and the heading of each sheet shall be the same. Such petition shall be signed by the qualified voters in their own proper persons only, and opposite the signature of each signer his residence address shall be written (and if a resident of a city having a population of over 10,000 by the then last preceding federal census, the street and number of such residence shall be given). No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this section are complied with. At the bottom of each sheet of such petition shall be added a statement, signed by an adult resident of the political division for which the candidate is nominated, stating his residence address (and if a resident of a city having a population of over 10,000 by the then last preceding federal census, also stating the street and number of such residence), certifying that the signatures on that sheet of said petition were signed in his presence and are genuine; and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified voters (and in cities, villages and incorporated towns in which voters are or may be required to be registered, that they were also at the time of signing said petition duly registered voters) of the political division for which the candidate is nominated, and that their respective residences are correctly stated therein. Such statement shall be sworn to before some officer of the county in which the person making such statement resides, authorized to administer oaths therein. Such sheets, before being filed, shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. Said petition, when filed, shall not be withdrawn or added to, and no signature shall be revoked except by revocation filed in writing with the clerk with whom the petition is required to be filed, and before the filing of such petition. Whoever, in making the sworn statement above prescribed, shall knowingly, wilfully and corruptly swear falsely, shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly. Whoever forges any name of a signer upon any petition shall be deemed guilty of forgery, and on conviction thereof, shall be punished accordingly. The word "petition" or "petition for nomination," as used herein, shall mean what is sometimes known as nomination papers, in distinction to what is known as a certificate of nomination. The words "political division for which the candidate is nominated," or its equivalent, shall mean the largest political division in which all qualified voters may vote upon such candidate, as the State in the case of State officers; the town in the case of town officers, et cetera: *Provided, further*, that any person who has already voted at a primary election held to nominate a candidate or candidates for any office or offices, to be voted upon at any certain election, shall not be quali-

ried to sign a petition of nomination for a candidate or candidates for the same office or offices, to be voted upon at the same certain election.

5. CERTIFICATES TO BE FILED.] [§ 294, Ch. 46, R. S.] Certificates of nomination and nomination papers for the nomination of candidates for offices to be filled by the electors of the entire State, or any division or district greater than a county, shall be filed with the Secretary of State at least thirty days previous to the day of election for which the candidates are nominated. All other certificates for the nomination of candidates shall be filed with the county clerk of the respective counties at least thirty days previous to the day of such election: *Provided*, that certificates of nomination and nomination papers for the nomination of candidates for the offices in cities, villages and incorporated towns, and for town offices in counties under township organization shall be filed with the clerks of the towns, cities, villages and incorporated towns at least fifteen days previous to the day of such election: *Provided*, that in cities having a population of 500,000 or more that certificates of nomination and nomination papers for the nomination of candidates for the offices in such cities shall be filed with the city clerk of such cities at least thirty days previous to the day of such election.

6. WITHDRAWAL OF NOMINATIONS.] [§ 295, Ch. 46, R. S.] Any person whose name has been presented as a candidate or who has been nominated by more than one convention, caucus or meeting of qualified voters, may cause his name to be withdrawn from any such nomination by his request in writing, signed by him and duly acknowledged before an officer qualified to take acknowledgment of deeds, and file with the Secretary of State not less than twenty-five (25) days, or with the proper clerk not less than thirteen (13) days previous to the day of election, and no name so withdrawn shall be printed upon the ballots under the party appellation or title from which the candidate has withdrawn his name. In case the certificate of nomination or petition as provided for in this act shall contain or exhibit the name of any candidate for any office upon more than one of said certificates or petitions (for the same office,) then, and in that case the Secretary of State or county clerk, as the case may be, shall immediately notify said candidate of said fact, and that his name appears unlawfully upon more than one of said certificates or petitions, and that within three (3) days from the receipt of said notification, said candidate must elect as to which of said political party appellations or groups he desires his name to appear and remain under upon said ballot, and if said candidate refuses, fails or neglects to comply with the provisions herein, then, and in that case, the Secretary of State or county clerk, as the case may be, shall not permit the name of said candidate to appear, or be printed or placed upon said ballot under any or either of said political party appellations or groups. All certificates of nomination and nomination papers, when filed, shall be open and, under proper regulation, to public inspection, and the Secretary of State and the several clerks having charge of nomination papers shall preserve the same in their respective offices not less than six months.

7. DEATH OR DECLINATION OF CANDIDATE—VACANCY.] [§ 296, Ch. 46, R. S.] In case a candidate who has been duly nominated under the provisions of this article die before election day, or decline the nomination, as in this article provided, or should any certificate of nomination be held insufficient or inoperative by the officer with whom they may be filed, the vacancy or vacancies thus occasioned may be filled by the political party, or other persons making the original nominations, or, if the time is insufficient therefor, then the vacancy may be filled, if the nomination was by convention or caucus in such manner as the convention or caucus had previously provided, or, in case of no such previous provision, then by regularly elected general or executive committee representing the political party or persons holding such convention, meeting or caucus. The certificate of nomination made to supply such vacancy shall state, in addition to the other facts required by section four of this article, the name of the original nominee, the date of his death or declination of nomination, or the fact that the former nomination has been held insufficient or inoperative, and the measures taken in accordance with the above requirements for filling a vacancy, and it shall be signed and sworn to by the presiding officer and secretary of the convention, or caucus, or by the chairman and secretary of the duly authorized committee, as the case may be.

8. CERTIFICATES OF NOMINATION—OBJECTIONS.] [§ 297, Ch. 46, R. S.] The certificates of nomination and nomination papers being so filed and being in apparent conformity with the provisions of this article shall be deemed to be valid, unless objection thereto is duly made in writing. Such objections or other questions arising in relation thereto, in the case of nomination of State officers, shall be considered by the Secretary of the State and the Auditor and Attorney General, and a decision of a majority of these officers shall be final. Such objections or questions arising in the case of nominations for officers to be elected by the voters of a division less than the State and greater than the county, shall be considered by the county judges of the counties embraced in such division, and the decision of a majority of these officers shall be final. Such objections or questions arising in the case of nomination of candidates for county officers shall be considered by the county judge, county clerk, and State's attorney for each county, and the decision of a majority of said officers shall be final. Objections or questions arising in the case of nominations of city, town or village officers shall be considered by the mayor or president of the board of trustees, and the city, town or village clerk, with whom one alderman or trustee thereof, as the case may be, chosen by lot, shall act, and the decision of a majority of such officers shall be final. Such objections arising in the case of nominations of town officers shall be considered by the board of auditors of such town, and the decision of a majority of such auditors shall be final. In any case, where such objection is made, notice shall forthwith be given to the candidates affected thereby, addressed to their places of residence as given in the nomination papers, and stating the time and place, when and where such objec-



tions will be considered: *Provided*, that in cities, towns or villages having a board of election commissioners, such questions shall be considered by such board, and its decision shall be final.

9. NOMINATIONS TO FILL VACANCIES.] [§ 298, Ch. 46, R. S.] When such certificate is filed with the Secretary of State, he shall, in certifying nominations to the various county clerks, insert the name of the person who has been thus nominated to fill vacancy in place of the original nominee, and in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, with the other details mentioned in certificates of nomination filed with the Secretary of State, and in cases where such clerk is not charged by this act with the printing of ballots, he shall immediately certify the name so supplied to the authorities charged with the printing of the ballots. The names so supplied for the vacancy shall, if the ballots are not already printed, be placed on the ballots in place of the name of the original nominee, or if the ballots have been printed, new ballots, whenever practicable, shall be furnished.

10. PASTERS—STAMPING ON BALLOTS.] [§ 299, Ch. 46, R. S.] Whenever it may not be practicable to have new ballots printed, it shall be the duty of the election officer having charge of the ballots, to place the name supplied for the vacancy upon each ballot issued before delivering it to the voter; the name so supplied may be placed upon the ballots either by affixing a paster or by writing or stamping the name on the ballot; and to enable this to be done the officer with whom the certificates of nomination are to be filed shall immediately furnish the name of such substituted nominee to all judges of election within the territory in which such nominee may be a candidate.

11. NOTICE TO COUNTY CLERK.] [§ 300, Ch. 46, R. S.] Not less than fifteen days before an election to fill any public office, the Secretary of State shall certify to the county clerk of each county within which any of the electors may by law vote for candidates for such office, the name and description of each person nominated for such office, as specified in the certificates of nomination filed with the Secretary of State.

## ARTICLE VI.

### NOTICE OF ELECTION.

1. MANNER OF GIVING NOTICE.] [§§ 46 and 321, Ch. 46, R. S.] At least thirty days previous to any general election, and at least twenty days previous to any special election, except in cases otherwise provided for, the county clerk, in counties not under township organization, shall make out and deliver to the sheriff of his county, or in counties under township organization, to the several supervisors of his county, three notices thereof for each precinct or district in which the election in such county is to be held. The notice may be substantially as follows:

Notice is hereby given that on (give the date), at (give the place of holding the election and the name of the precinct or district), in

the county of (name of county), an election will be held for (give the title of the several offices to be filled), which election will be opened at 7:00 o'clock in the morning and continued open until 5:00 o'clock in the afternoon of that day.

Dated at . . . . ., this . . . . . day of . . . . ., in the year of our Lord one thousand eight hundred and . . . . .

A. B., *County Clerk.*

2. SHERIFF OR SUPERVISOR TO POST.] [§ 47, Ch. 46, R. S.] The said sheriff or supervisor, to whom the notices are delivered, shall post up, in three of the most public places in each precinct or district, the three notices therefor, at least fifteen days before the time of holding a general election, and at least eight days before the time of holding a special election.

## ARTICLE VII.

### BALLOTS AND INSTRUCTIONS.

1. BALLOTS PRINTED AT PUBLIC EXPENSE.] [§ 288, Ch. 46, R. S.] In all elections hereafter to be held in this State for public officers, except for trustees of schools, school directors, members of boards of education, officers of road districts in counties not under township organization, the voting shall be by ballots printed and distributed at public expense, as hereinafter provided, and no other ballots shall be used.

2. EXPENSE BORNE BY CITIES, ETC.] [§ 289, Ch. 46, R. S.] The printing and delivery of the ballots and cards of instructions to voters, hereinafter described, shall, in municipal elections in cities, villages and incorporated towns, be paid by the several cities, villages and incorporated towns respectively, and in town elections by the town, and in all other elections the printing of the ballots and cards of instructions for the voters in each county and the delivery of them to the several voting precincts and election districts shall be paid for by the several counties respectively. The term "general election," as used in this act, shall apply to any election held for the choice of a national, State, judicial, district or county officer, whether for the full term or for the filling of a vacancy. The term "city election" shall apply to any municipal election held in a city, village or incorporated town.

3. BALLOT—WHAT TO CONTAIN—HOW PRINTED—FORM.] [§ 301, Ch. 46, R. S.] The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot, all nominations of any political party or group of petitioners being placed under the party appellation or title of such party or group as designated by them in their certificates of nomination or petitions, or if none be designated, then under some suitable title, and the ballot shall contain no other names, except that in case of electors for President and Vice President of the United States the names of the candidates for President and Vice President may be added to the party or political designation. If a constitutional amendment or other public measure

is submitted to a vote, such question shall be printed upon the ballot after the list of candidates, and words calculated to aid the voter in his choice of candidates, or to answer any question submitted to vote, may be added, such as: "Vote for one," "vote for three," "yes," "no," or the like. On the back or outside of the ballot so as to appear when folded, shall be printed the words "Official ballot," followed by the designation of the polling place for which the ballot is prepared, the date of the election and a fac-simile of the signature of the clerk or other officer who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing cannot be read. The party appellation or title shall be printed in capital letters not less than one-fourth of an inch in height, and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed. The names of candidates shall be printed in capital letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which the name of a candidate is printed a square shall be printed, the sides of which shall not be less than one-fourth of an inch in length. The list of candidates of the several parties and groups of petitioners shall be placed in separate columns on the ballot in such order as the authorities charged with the printing of the ballots shall decide.

As nearly as practicable the ballot shall be in the following form:

<input type="radio"/>	DEMOCRATIC.	<input type="radio"/>	REPUBLICAN.	<input type="radio"/>	PROHIBITION.
	For Governor,		For Governor,		For Governor,
<input type="checkbox"/>	JOHN M. PALMER.	<input type="checkbox"/>	JOSEPH W. FIFER.	<input type="checkbox"/>	DAVID H. HARTS.
	For Lieutenant Governor,		For Lieutenant Governor,		For Lieutenant Governor,
<input type="checkbox"/>	ANDREW J. BELL.	<input type="checkbox"/>	LYMAN B. RAY.	<input type="checkbox"/>	JOS. L. WHITLOCK.
	For Secretary of State,		For Secretary of State,		For Secretary of State,
<input type="checkbox"/>	NEWELL D. RICKS.	<input type="checkbox"/>	I. N. PEARSON,	<input type="checkbox"/>	JAMES R. HANNA.

[And continuing in like manner as to all candidates to be voted for at such election.]

4. PRINTING OF BALLOTS—BY WHAT OFFICERS.] [§ 302, Ch. 46, R. S.] For all elections to which this act applies, the county clerks, in their respective counties, shall have charge of the printing of the ballots for all general elections, and shall furnish them to the judges of election; the city, town or village clerk shall have charge thereof and furnish them in all city elections; and the town clerk in counties under township organization shall have charge thereof and furnish the same in all town elections to which this act applies: *Provided*, that in cities, towns or villages having a board of election commissioners, such board shall have charge of the printing of the ballots and furnish them to the judges of election within the terri-

tory under their jurisdiction. Ballots shall be printed and in possession of the officer charged with their distribution at least two days before the election, and subject to the inspection of candidates and their agents; if any mistakes be discovered, they shall be corrected without delay. The officer so charged with the printing of the ballots shall cause to be delivered to the judges of election at the polling place of each precinct or district, not less than twelve hours before the time fixed by law for the opening of the polls therein, one hundred ballots of the kind to be voted in such precinct or district for every fifty votes cast therein at the last preceding election for State officers; such ballots shall be put up in separate sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of the ballots enclosed, and receipt therefor shall be given by the judges of election to whom they are delivered, which receipt shall be preserved by the officer charged with the printing of the ballots. The officer or authorities charged with the printing and distribution of the ballots shall provide and retain at his or their office an ample supply of ballots in addition to those distributed to the several voting precincts or districts, and if, at any time, on or before the day of election, the ballots furnished to any precinct or district shall be lost, destroyed or exhausted before the polls are closed, on written application signed by a majority of the judges of such precinct or district, or signed and sworn to by one of such judges, he shall immediately cause to be delivered to such judges, at the polling place, such additional supply of ballots as may be required and sufficient to comply with the provisions of this act.

5. VOTE ON CONSTITUTIONAL AMENDMENTS—SEPARATE BALLOT—FORM.\*] [§ 303, Ch. 46, R. S.] Whenever a constitutional amendment or other public measure is proposed to be voted upon by the people, the substance of such amendment or other public measure shall be clearly indicated on a separate ballot, and two spaces shall be left upon the right hand margin thereof, one for the votes favoring the amendment or public measure, to be designated by the word "Yes," and one for votes opposing the amendment or measure, to be designated by the word "No," as in the form herein given:

Proposed amendment to the Constitution (or other measure) . . . . .	Yes	X
Here print the substance of the amendment (or other measure) . . . . .	No	

The elector shall designate his vote by a cross mark, thus: (X). The said special ballot shall be printed on paper of sufficient size so that when folded once it shall be large enough to contain the following words, which shall be printed on the back: "Ballot for Constitutional amendment," or the name of any and all public measures then to be voted upon. This ballot shall be handed to the elector at

\* For further provisions see Articles XVIII and XIX. .

the same time as the ballot containing the names of the candidates and returned therewith by the elector to the proper officer in the manner described by this act. All provisions of this act relating to ballots shall apply to this separate ballot.\*

6. CUMULATIVE VOTING.] [§ 304, Ch. 46, R. S.] No number of votes shall be printed on any ballot after the name of any candidate for representative in the General Assembly. In canvassing the vote for representatives in the General Assembly, the ballots shall be counted in the manner following:

First. Where the names of three candidates for representatives in the General Assembly are printed under one party appellation or title and a cross, thus X, is placed at the appropriate place preceding such party appellation or title and the ballot is not otherwise marked for representatives in the General Assembly, it shall be counted one vote for each of said candidates.

Second. Where the names of two candidates for representatives in the General Assembly are printed under one party appellation or title and a cross, thus X, is placed at the appropriate place preceding such party appellation or title, and the ballot is not otherwise marked for representatives in the General Assembly, it shall be counted one and one-half votes for each of said candidates.

Third. Where the name of but one candidate for representative in the General Assembly is printed under one party appellation or title and a cross, thus X, is placed at the appropriate place preceding such party appellation or title and the ballot is not otherwise marked for representatives in the General Assembly, it shall be counted three votes for said candidate.

Fourth. Whether a cross, thus X, is placed at the appropriate place preceding any party appellation or title, or not, whenever a cross is placed in the square preceding the name of any one candidate for representative in the General Assembly and the ballot is not otherwise marked, the ballot shall be counted three votes for such candidate; where a cross is placed in the squares preceding the names of any two candidates for representatives in the General Assembly and the ballot is not otherwise marked, the ballot shall be counted one and one-half votes for each of said two candidates; where a cross is placed in the squares preceding the names of any three candidates for representatives in the General Assembly and the ballot is not otherwise marked, the ballot shall be counted one vote for each of said three candidates.

Fifth. Where the voter has indicated his intention by lawful marking of his ballot to divide his votes among the candidates in any manner other than as specified in the foregoing sections, it shall be counted for such candidates according to the intention of the voter as disclosed by the marking of the ballot.

Sixth. If the ballot has been so marked as to indicate an intention to cast more than three votes for representatives in the General Assembly, such ballot shall not be counted for any of such candidates.

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\* For further provisions see Articles XVIII and XIX.

7. PRINTED INSTRUCTIONS FOR VOTERS.] [§ 305, Ch. 46, R. S.] The officer or officers whose duty it is to have the ballots printed, shall prepare full instructions for the guidance of voters at each election as to obtaining ballots, as to the manner of marking them and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and they shall respectively cause the same, together with copies of section 4 of article VII, section 11 of article IX, sections 6, 7 and 8 of article X, and sections 15 and 16 of article XIII, to be printed in large, clear type, on separate cards, to be called cards of instruction; and such officer or officers shall furnish to the judges of election a sufficient number of such cards of instruction to enable the judges of election to comply with the provisions of this article.

8. INSTRUCTION CARDS AND SPECIMEN BALLOTS TO BE POSTED.\*] [§ 306, Ch. 46, R. S.] The judges of election shall cause not less than one of such cards to be posted in each voting booth provided for the preparation of ballots, and not less than four of such cards to be posted in and about the polling places upon the day of election. Judges of election shall, not less than five days prior to an election, cause to be conspicuously posted in five or more public places in their voting precinct or election district a card of instruction, and a specimen ballot printed on colored paper containing the names, residence and party or political affiliation of all candidates nominated as herein provided and to be voted for in such precinct, substantially in the form of the general ballot to be used herein. The officer or officers whose duty it is to cause the printing and distribution of ballots shall have printed a sufficient number of specimen ballots and deliver the same to the judges of election so as to enable said judges to comply with the provisions of this act. In every county of not more than one hundred and fifty thousand (150,000) inhabitants the officers or authorities charged with the printing and distribution of the ballots shall cause to be published, prior to the day of election, in at least two newspapers, if there be so many published in such county, representing the political parties which cast at the preceding election the largest and next largest number of votes, a list of all the nominations made as herein provided and to be voted for at such elections as near as may be in the form in which they shall appear upon the general ballot.\*

9. JUDGES HAVE CHARGE OF BALLOTS.] [§ 307, Ch. 46, R. S.] The judges of election of their respective election precincts or election districts shall have charge of the ballots and furnish them to the voter as hereinafter set forth.

## ARTICLE VIII.

### BALLOT BOXES, BOOTHS AND POLL BOOKS.

1. BALLOT BOXES.] [§ 40, Ch. 46, R. S.] The county board shall provide a sufficient number of ballot boxes, with secure locks and keys, at the expense of the county, for the several precincts and

\* For further provisions see Articles XVIII and XIX.

districts. There shall be an opening in the lid of each box not larger than is sufficient to admit a single closed ballot to be inserted therein at one time, through which each ballot voted shall be put into the box.

2. JUDGES TO KEEP BALLOT BOXES, ETC.] [§ 41, Ch. 46, R. S.] The ballot boxes shall be delivered to and kept by the judges of election, and by them kept and delivered to their successors.

3. BLANKS, POLL BOOKS, ETC.] [§ 42, Ch. 46, R. S.] The county clerk shall provide, at the expense of the county, proper blanks, poll books and other necessary election blanks for each precinct and district in his county, and cause a suitable number thereof to be delivered to the judges of election, at least ten days before any election is to be held.

4. BOOTHS AT POLLING PLACES—STATIONERY, ETC.—BOOTHS PRIVATE.] [§ 308, Ch. 46, R. S.] All officers upon whom is imposed by law the duty of designating or providing polling places shall provide in each polling place so designated or provided a sufficient number of booths, which shall be provided with such supplies and conveniences, including shelves, pens, penholders, ink, blotters and pencils, as will enable the voter to prepare his ballot for voting, and in which voters may prepare their ballots screened from all observation as to the manner in which they do so; and the guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting booths. The arrangement shall be such that the voting booths can only be reached by passing within said guard-rail. They shall be within plain view of the election officers; and both they and the ballot boxes shall be within plain view of those outside of the guard-rail. Each of said booths shall have three sides enclosed, one side, in front, to be closed with a curtain. Each side of each booth shall be six feet four inches high, and the curtain shall extend within two feet of the floor, which shall be closed while the voter is preparing his ballot. Each booth shall be at least 32 inches square, and shall contain a shelf at least one foot wide, at a convenient height for writing. No person other than the election officers and the challengers allowed by law, and those admitted for the purpose of voting, as hereinafter provided, shall be permitted within the guard-rail, except by authority of the election officers to keep order and enforce the law. The number of such voting booths shall not be less than one to every 75 voters or fraction thereof who voted at the last preceding election in the precinct or district. The expense of providing booths and guard-rails and other things required in this act shall be paid in the same manner as other election expenses.

## ARTICLE IX.

### QUALIFICATION OF VOTERS.

1. WHO MAY VOTE.] [§ 65, Ch. 46, R. S.] Every person having resided in this State one year, in the county 90 days, and in the election district 30 days next preceding any election therein, who was an

elector in this State on the first day of April, in the year of our Lord 1848, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January, in the year of our Lord, 1870, or who shall be a male citizen of the United States, above the age of 21 years, shall be entitled to vote at such election.

2. RESIDENCE.] [§ 66, Ch. 46, R. S.] A permanent abode is necessary to constitute a residence within the meaning of the preceding section.

3. WHEN INMATES OF POOR HOUSES, ASYLUMS, ETC., MAY VOTE.] [§ 66a, Ch. 46, R. S.] No pauper or inmate of any county poor house, insane asylum or hospital in this State, shall by virtue of his abode at such county poor house, insane asylum or hospital be deemed a resident or legal voter in the town, city, village or election district or precinct in which such poor house, insane asylum or hospital may be situated; but every such person shall be deemed a resident of the town, city, village, election district or precinct in which he resided next prior to becoming an inmate of such county poor house, insane asylum or hospital.

4. INMATES OF SOLDIERS' AND SAILORS' HOMES.] [§ 66b, Ch. 46, R. S.] Every honorably discharged soldier or sailor who shall have been an inmate of any Soldiers' or Sailors' Home within the State of Illinois for 90 days or longer, and who shall have been a citizen of the United States and resided in this State one year, in the county where any such home is located 90 days, and in the election district 30 days next preceding any election, shall be entitled to vote in the election district in which any such Soldiers' and Sailors' Home in which he is an inmate thereof as aforesaid is located, for all officers that now are or hereafter may be elected by the people, and upon all questions that may be submitted to the vote of the people: *Provided*, That he shall declare upon oath, if required so to do by any officer of election in said district, that it was his *bona fide* intention at the time he entered said home to become a resident thereof.

5. AFFIDAVIT OF QUALIFICATION.] [§ 67, Ch. 46, R. S.] Whenever, at any general or special election, in any precinct, district, city, village, town or ward, any person offering to vote is not personally known to the judges of election to have the qualifications mentioned in sections 1 and 2 of this article, if his vote is challenged by a legal voter at such election, he shall make and subscribe an affidavit in the following form, which shall be retained by the judges of election and returned by them with the poll book:

STATE OF ILLINOIS, }  
COUNTY OF COOK, } ss.

I,....., do solemnly swear (or affirm) that I am a citizen of the United States (or "that I was an elector on the first day of April, A. D. 1848," or "that I obtained a certificate of naturalization before a court of record in this State prior to the first day of January, A. D. 1870," as the case may be;) that I have resided in this State one year, in this county 90 days and in this election district 30 days next preceding this election; that I now reside at (here give the



particular house or place of residence, and, if in a town or city, the street and number), in this election district; that I am 21 years of age and have not voted at this election. So help me God (or "this I do solemnly and sincerely affirm," as the case may be).

Subscribed and sworn to before me this.....day of.....  
A. D. 18....

6. AFFIDAVIT OF WITNESS.] [§ 68, Ch. 46, R. S.] In addition to such affidavit, the person so challenged shall produce a witness personally known to the judges of election, and resident in the precinct or district, or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct or district and entitled to vote at this election, and that I have been a resident of this State for one year last passed, and am well acquainted with the person whose vote is now offered; that he is an actual and *bona fide* resident of this election precinct or district, and has resided herein 30 days, and, as I verily believe, in this county 90 days, and in this State one year next preceding the election.

7. WHO MAY ADMINISTER OATH.] [§ 69, Ch. 46, R. S.] The oath, in each case, may be administered by either of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths.

8. CONVICTS—DISQUALIFICATIONS.] [§ 70, Ch. 46, R. S.] No person who has been legally convicted of any crime, the punishment of which is confinement in the penitentiary, or who shall be convicted and sentenced, under section 7 of article XIII of this act, shall be permitted to vote at any election unless he shall be restored to the right to vote by pardon; or by the expiration of the term of his disfranchisement under section 7 of article XIII of this act.

9. WOMAN MAY VOTE FOR SCHOOL OFFICERS.] [§ 332, Ch. 46, R. S.] Any woman of the age of 21 years and upwards, belonging to either of the classes mentioned in article VII of the Constitution of the State of Illinois, who shall have resided in this State one year, in the county 90 days, and in the election district 30 days preceding any election held for the purpose of choosing any officer of schools under the general or special school laws of this State, shall be entitled to vote at such election in the school district of which she shall at the time have been for 30 days a resident: *Provided*, any woman so desirous of voting at such election shall have been registered in the same manner as is provided for the registration of male voters.

10. BALLOT—WHAT TO CONTAIN—HOW DEPOSITED.] [§ 333, Ch. 46, R. S.] Whenever the election of public school officers shall occur at the same election at which other public officers are elected, the ballot offered by any woman entitled to vote under this act shall not contain the name of any person to be voted for at such election except

such officers of public schools, and such ballots shall all be deposited in a separate ballot box, but canvassed with other ballots cast for school officers at such election.

11. ABSENCE FOR VOTING PURPOSES—EMPLOYER PREVENTING—PENALTY.] [§ 312, Ch. 46, R. S.] Any person entitled to vote at a general election in this State shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of two hours between the time of opening and closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty; nor shall any deduction be made on account of such absence from his usual salary or wages: *Provided, however,* That application for such leave of absence shall be made prior to the day of election. The employer may specify the hours during which said employé may absent himself as aforesaid. (The above provision is preserved in section 11 of article XIII.)

## ARTICLE X.

### MANNER OF CONDUCTING ELECTIONS.

1. TIME POLLS TO BE KEPT OPEN.] [§§ 48 and 321, Ch. 46, R. S.] At all elections to which this act applies, except at elections held in cities, villages and incorporated towns which have heretofore adopted or may hereafter adopt the provisions of an act entitled "An act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns," approved June 19, 1885, the polls shall be opened at 7:00 o'clock in the morning and shall be closed at 5:00 in the evening: *Provided, however,* That cities, villages and towns in counties of the third class may provide by city or village ordinance, or by resolution adopted at the annual town meeting, that polls shall be opened at 6:00 o'clock in the morning and be closed at 4:00 o'clock in the afternoon, and after the passage of such ordinance or resolution and the filing of a certified copy thereof with the county clerk of the county in which such city, village or town is located, the polls shall open at 6:00 o'clock in the morning and close at 4:00 o'clock in the afternoon of the same day at elections held in such city, village or town adopting such ordinance or resolution and filing the same as herein provided. But if the judges shall not attend at the hour of 7:00 o'clock in the morning, or if it shall be necessary for the electors present to appoint judges to conduct the election as hereinbefore prescribed, the polls may, in that case, be opened at any hour before the time for closing the same shall arrive as the case may require.

2. PROCLAMATION.] [§ 49, Ch. 46, R. S.] Upon opening the polls, one of the clerks or judges of election shall make proclamation of the same, and at least 30 minutes before the closing of the polls proclamation shall be made in like manner and that the polls will be closed in half an hour.

3. BALLOT-BOX PUBLICLY EXHIBITED, ETC.—LOCKED—KEYS.] [§ 50, Ch. 46, R. S.] Before any ballot shall be deposited in the ballot-box,

the ballot box shall be publicly opened and exhibited, and the judges and clerks shall see that no ballot is in such box; after which the box shall be locked and the key delivered to one of the judges, and shall not again be opened until the close of the polls.

4. POLL LISTS—HOW KEPT.] [§ 51, Ch. 46, R. S.] Each clerk of election shall keep a poll list, which shall contain a column headed "number" and another headed "names of voters." The name of each elector voting shall be entered upon each of the poll books by the clerks, in regular succession, under the proper headings, and the number of such voter placed opposite his name in the column headed "number."

5. NO ADJOURNMENT OR RECESS.] [§ 56, Ch. 46, R. S.] After the opening of the polls, no adjournment shall be had, nor shall any recess be taken, until all the votes cast at such election shall have been counted and the results publicly announced.

6. MANNER OF VOTING—CHECKING ON REGISTER LIST.] [§ 309, Ch. 46, R. S.] Any person desiring to vote shall give his name and, if required to do so, his residence, to the judges of election, one of whom shall thereupon announce the name in a loud and distinct tone of voice, clear and audible; and if such name is found upon the register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed to enter the space enclosed by the guard-rail as above provided. One of the judges shall give the voter one, and only one, ballot, on the back of which such judge shall endorse his initials in such manner that they may be seen when the ballot is properly folded, and the voter's name shall be immediately checked on the register list. At all elections when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he shall not receive a ballot until he shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he shall not receive a ballot until he shall have established his right to vote in the manner provided by law; and if he shall be challenged after he has received his ballot, he shall not be permitted to vote until he has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than two voters in excess of the whole number of voting booths provided shall be allowed in said enclosed space at one time.

7. MANNER OF PREPARING BALLOT.] [§ 310, Ch. 46, R. S.] On receipt of his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting booths so provided and shall prepare his ballot by making in the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by writing in the name of the candidate of his choice in a blank space on said ticket, making a cross (X) opposite thereto; and in case of a question submitted to the vote of the people, by making in the appropriate margin or place a cross (X) against the answer he desires to give: *Provided, however*, if he shall desire to vote for all of the candidates of one political

party or group of petitioners, he may place such mark at the appropriate place preceding the appellation or title under which the names of the candidates of such party or group of petitioners are printed, and the ballot so marked shall be counted as cast for all of the candidates named under that title: *Provided, further*, that the voter may place such mark at the appropriate place preceding the appellation or title of one party or group of petitioners and may also mark, at the appropriate place preceding the name or names of one or more candidates printed under the appellation or title of some other party or group of petitioners, and a ballot so marked shall be counted as cast for all the candidates named under the appellation or title which has been so marked, except as to the officers as to which he has placed such mark preceding the name or names of some other candidates printed under the title of some other party or group of petitioners, and as to such it shall be counted as cast for the candidate or candidates preceding whose name or names such mark may have been placed. Before leaving the voting booth, the voter shall fold his ballot in such manner as to conceal the marks thereon. He shall then vote forthwith in the manner now provided by law, except that the number corresponding to the number of the voter on the poll books shall not be endorsed on the back of his ballot. He shall mark and deposit his ballot without undue delay, and shall quit said enclosed space as soon as he has voted. No voter shall be allowed to occupy a voting booth already occupied by another, nor remain within said enclosed space more than ten minutes, nor to occupy a voting booth more than five minutes, in case all of said voting booths are in use and other voters waiting to occupy the same. No voter, not an election officer, shall, after having voted, be allowed to re-enter said enclosed space during said election. No person shall take or remove any ballot from the polling place before the close of the polls. No voter shall vote or offer to vote any ballot except such as he has received from the judges of election in charge of the ballots. Any voter who shall, by accident or mistake, spoil his ballot, may, on returning said spoiled ballot, receive another in place thereof.

8. ASSISTANCE TO ILLITERATE VOTERS.] [§ 311, Ch. 46, R. S.] Any voter who may declare upon oath that he can not read the English language, or that by reason of any physical disability, he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers, of different political parties, to be selected from the judges and clerks of the precinct or district in which they are to act, to be designated by the judges of election of each precinct or district at the opening of the polls. Such officers shall mark the ballot as directed by the voter, and shall thereafter give no information regarding the same. The clerks of election shall enter upon the poll lists after the name of any elector who received such assistance in marking his ballot a memorandum of the fact. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in making his ballot.

9. CUMULATIVE VOTES—HOW VOTED.] [§ 304, Ch. 46, R. S.] No number of votes shall be prited on any ballot after the name of any candidate for representative in the General Assembly. In canvassing the vote for representatives in the General Assembly, the ballots shall be counted in the manner following:

First. Where the names of three candidates for representatives in the General Assembly are printed under one party appellation or title and a cross, thus X, is placed at the appropriate place preceding such party appellation or title and the ballot is not otherwise marked for representatives in the General Assembly, it shall be counted one vote for each of said candidates.

Second. Where the names of two candidates for representatives in the General Assembly are printed under one party appellation or title and a cross, thus X, is placed at the appropriate place preceding such party appellation or title, and the ballot is not otherwise marked for representatives in the General Assembly, it shall be counted one and one-half votes for each of said candidates.

Third. Where the name of but one candidate for representative in the General Assembly is printed under one party appellation or title and a cross, thus X, is placed at the appropriate place preceding such party appellation or title and the ballot is not otherwise marked for representatives in the General Assembly, it shall be counted three votes for said candidate.

Fourth. Whether a cross, thus X, is placed at the appropriate place preceding any party appellation or title, or not, whenever a cross is placed in the square preceding the name of any one candidate for representative in the General Assembly and the ballot is not otherwise marked, the ballot shall be counted three votes for said candidate; where a cross is placed in the squares preceding the names of any two candidates for representatives in the General Assembly and the ballot is not otherwise marked, the ballot shall be counted one and one-half votes for each of said two candidates; where a cross is placed in the squares preceding the names of any three candidates for representatives in the General Assembly and the ballot is not otherwise marked, the ballot shall be counted one vote for each of said three candidates.

Fifth. Where the voter has indicated his intention by lawful marking of his ballot to divide his votes among the candidates in any manner other than as specified in the foregoing sections, it shall be counted for such candidates according to the intention of the voter as disclosed by the marking of the ballot.

Sixth. If the ballot has been so marked as to indicate an intention to cast more than three votes for representatives in the General Assembly, such ballot shall not be counted for any of such candidates.

10. BALLOTS NOT COUNTED—SPOILED BALLOTS.] [§ 313, Ch. 46, R. S.] If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official endorsement shall be allowed to be deposited in the ballot-box, and none but bal-

lots provided in accordance with the provisions of this act shall be counted. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made by either of the judges or challengers shall be marked "objected to" on the back thereof, and a memorandum, signed by the judges, stating how it was counted, shall be written upon the back of each ballot so marked and all ballots marked "defective" or "objected to" shall be enclosed in an envelope, securely sealed and so marked and endorsed as to clearly disclose its contents. All ballots not voted, and all that have been spoiled by voters while attempting to vote, shall be returned by the judges of election to the officer or authorities charged with the printing and distribution of the ballots, and a receipt taken therefor, and shall be preserved six months; such officer shall keep a record of the number of ballots delivered for each polling place, the name of the person to whom and the time when delivered, and he shall also enter upon such record the number and character of ballots returned, with the time when and the person by whom they are returned.

11. CANVASS OF BALLOTS.] [§ 57, Ch. 46, R. S.] Immediately upon closing the polls, the judges shall proceed to canvass the votes polled. They shall first count the whole number of ballots in the box. If two or more ballots are folded together, so as to appear to have been cast by the same person, and the number of ballots exceeds the number of names entered on each of the poll lists, the ballots so folded together shall be rejected, and if the number of ballots still exceeds the number of names entered upon each of the poll lists, said ballots shall be replaced in the ballot box and the box closed and well shaken and again opened, and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess; and the number of the ballots agreeing with the poll lists, or being made to agree, the board shall then proceed to count and estimate and publish the votes; and when the judges of election shall open and read the tickets, each clerk shall carefully and correctly mark down upon the tally lists the votes each candidate has received, in a separate column prepared for that purpose, with the name of such candidate at the head of such column, and the office designated by the votes such candidate shall fill. The vote shall be canvassed in the room or place where the election is held, and the judges shall not allow the ballot box, or any of the ballots, or either of the poll lists, or either of the tally papers, to be removed or carried away from such room or place until the canvass of the votes is completed and the returns carefully enveloped and sealed up, as provided by law.

\*11a. "STRAIGHT TICKETS," HOW TALLIED—SPLIT TICKETS, ETC.]  
SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter at all general and special elections and primary elections held in this State, where the law shall provide that the clerks shall tally the votes received by candidates at such election, it shall not be necessary for the clerks of

\* See note on page 49.

such election to mark upon the tally sheets kept by them, separate marks or tallies for each vote received by the candidates upon the ballots containing the same names, commonly known and hereafter in this act designated as "straight tickets." But when the judges shall have counted and announced to the clerks, as near as may be as now or hereafter provided by law, the number of votes received by each set of candidates upon such "straight tickets," the clerks shall set such number of votes down, in figures, opposite the names of the respective candidates, in a column provided for that purpose upon the tally sheets; which column shall immediately join upon the left the space reserved for the tallies, and which shall be of convenient width and shall be headed, "Number of votes received upon 'straight tickets.'" The judges shall then proceed to count and announce the votes received by each candidate upon all ballots other than "straight tickets," including all ballots known as "split tickets," and all ballots known as "scratched tickets," and the clerks shall proceed to tally the same upon the tally sheets, and to compare and announce the result thereof; which counting, announcing and tallying shall be conducted as now or hereafter provided by law. The clerks shall set down, in figures, the number of votes received by each candidate on ballots other than "straight tickets," as so ascertained and announced, in a column provided for that purpose upon the tally sheets, immediately adjoining on the right the space reserved for the tallies, which column shall be of convenient width, and shall be headed, "Number of votes received upon ballots other than 'straight tickets.'" The clerks shall then proceed to add together the number of votes received by each candidate, as shown in the column containing the straight votes and the number as shown in the column containing the votes other than straight votes; which result will show the total number of votes received by each candidate; and after comparing their results and finding that the same agree and are correct, they shall set down the same, in figures, in a column provided upon the tally sheets for that purpose, on the extreme right hand side thereof, which shall be of convenient width and shall be headed, "Total number of votes." Whereupon one of the clerks shall announce in a loud voice to the judges the total number of voted [votes] received by and counted for each candidate.

\*11b. REPEAL—INTENT OF ACT.] § 2. All laws and parts of laws in conflict herewith are hereby repealed. Nothing in this act contained shall be construed to authorize or permit the canvassing, counting or tallying ballots with any less degree of strictness than now required by law; the intention of this act being to dispense with the individual tally marks only so far as the so-called "straight tickets" are concerned; and all other operations of tallying, counting and canvassing and announcing the votes shall proceed as near as may be in accordance with the laws now or hereinafter provided therefor.

\*Paragraphs 11a and 11b are sections 1 and 2 of "An act to dispense with individual tally marks in canvassing the so-called 'straight tickets' at all elections hereafter held in this State; and concerning the duties of the clerks in the canvass of votes at such election," approved May 13, 1905. Laws 1905, p. 205.

12. CANVASS OF VOTES—PROCLAMATION—BALLOTS DESTROYED.] [§ 314, Ch. 46, R. S.] When the canvass of the ballots shall have been completed, as now provided by law, the clerks shall announce to the judges the total number of votes received by each candidate; each judge of the election shall proclaim in a loud voice the total number of votes received by each of the persons voted for and the office for which he is designated, and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people; such proclamation shall be *prima facie* evidence of the result of such canvass of the ballots. Immediately after making such proclamation, and before separating, the judges shall fold in two folds, and string closely upon a single piece of flexible wire, all ballots which have been counted by them, except those marked "objected to," unite the ends of such wire in a firm knot, seal the knot in such manner that it cannot be untied without breaking the seal enclose the ballots so strung in a secure canvas covering and securely tie and seal such canvas covering with official wax impression seals, to be provided by the judges in such manner that it cannot be opened without breaking the seals, and return said ballots, together with the package containing the ballots marked "defective or objected to" in such sealed canvas covering to the proper clerk or to the board of election commissioners, as the case may be, and such officer shall carefully preserve said ballots for six months, and at the expiration of that time shall destroy them by burning without previously opening the package. Such ballots shall be destroyed in the presence of the official custodian thereof and two electors of approved integrity and good repute and members respectively of the two leading political parties. The said electors shall be designated by the county judge of the county in which such ballots are kept: *Provided*, That if any contest of the election of any officer voted for at such election shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections the parties contesting the same shall have the right to have said ballots opened and to have all errors of the judges in counting or refusing to count any ballot corrected by the court or body trying such contest, but such ballots shall be opened only in open court or in open session of such body and in the presence of the officer having the custody thereof.

13. FORM OF RETURN.] [§ 61, Ch. 56, R. S.] When the votes shall have been examined and counted, the clerks shall set down in their poll-books the name of every person voted for, written at full length, the office for which such person received such votes, and the number he did receive, the number being expressed in words at full length; such entry to be made, as nearly as circumstances will admit, in the following form, to-wit:

At an election held at....., in the county of.....  
and State of Illinois, on the.....day of....., in the year  
of our Lord one thousand.....hundred and....., the fol-  
lowing named persons received the number of votes annexed to their



respective names for the following described offices, to-wit. (Name of candidate) had (number of votes) for (title of office), (and in the same manner for any other persons voted for.) Certified by us.

A.....B.....  
 C.....D.....  
 E.....F.....

*Judges of Election.*

14. RETURNS TO BE MADE TO COUNTY CLERK, ETC.—CANVASS, ETC.] [§ 62, Ch. 46, R. S.] One of the lists of voters, with such certificate written thereon, and one of the tally papers footed up so as to show the correct number of votes cast for each person voted for, shall be carefully enveloped and sealed up, and put into the hands of one of the judges of election, who shall within 24 hours thereafter, deliver the same to the county clerk, or his deputy, at the office of said county clerk, who shall safely keep the same. Another of the lists of voters, with such certificate written thereon, and another of the tally papers footed up as aforesaid, shall be carefully enveloped and sealed up and duly directed to the Secretary of State, and by another of the judges of election, deposited in the nearest postoffice within six hours after the completion of the canvass of the votes cast at such election, which poll book and tally list shall be filed and kept by the Secretary of State for one year, and certified copies thereof shall be evidence in all courts, proceedings and election contests. Another of the lists of voters, with such certificates written thereon, and another of the tally papers footed as aforesaid, shall be carefully enveloped and sealed up and delivered by the third one of the judges, without delay, in counties under township organization, to the town clerk of the town in which the district may be; and in counties not under township organization, they shall be retained by one of the judges of election, and safely kept by said town clerk or judge, for the use and inspection of the voters of such district until the next general election. Before said returns are sealed up, as aforesaid, the judges shall compare said tally papers, footings and certificates, and see that they are correct and duplicates of each other, and certify to the correctness of the same: *Provided*, that the lists of voters and tally papers required by this act to be forwarded to the Secretary of State, shall be transmitted in envelopes furnished to the various county clerks by the Secretary of State for that purpose. Said envelopes shall bear the name and address of the Secretary of State, printed in plain legible type, together with a blank form printed in convenient shape for designating the county and voting precinct or district where it is to be used, and also the words “poll book and tally list only,” and the date of the election for which they are to be used. Said envelopes, printed as aforesaid, shall be forwarded by the Secretary of State to the various county clerks, in the same manner in which registration books are now sent, and in ample time for each general election. And it shall be the duty of the county clerk of each county, upon receipt of said envelopes, to properly fill out the blank form on one copy of same for each voting precinct or district in his county, according to the list of precincts forwarded by him in pursuance of law, to the

office of the Secretary of State. Said county clerks shall attach to each of said envelopes, sufficient stamps to fully prepay the postage on the list of voters and tally paper which it is to contain. Said envelopes, properly filled out and stamped as aforesaid, shall be distributed by the various county clerks to the election officers entitled to receive them, together with their regular quota of other election supplies.

15. CHALLENGERS.] [§ 64, Ch. 46, R. S.] The judges of election shall allow at least one, and not more than two legal voters of each party to the contest, to be chosen by the parties respectively, to be in the room where the election is held, to act as challengers of voters at such election; and such challengers may remain with the board of election until the votes are all canvassed and the result declared.

## ARTICLE XI.

### CANVASSING RETURNS.

1. CANVASSING RETURNS. ABSTRACTS.] [§ 71, Ch. 46, R. S.] Within seven days after the close of the election the county clerks of the respective counties, with the assistance of two justices of the peace of the county, shall open the returns and make abstracts of the votes in the following manner, as the case may require:

Of votes for Governor and Lieutenant Governor, on one sheet; of votes for State officers, on another sheet; of votes for Presidential Electors, on another sheet; of votes for Representatives to Congress, on another sheet; of votes for Judges of the Supreme Court, on another sheet; of votes for Clerk of the Supreme Court, on another sheet; of votes for Judges of the Circuit Court, on another sheet; of votes for Senators and Representatives to the General Assembly, on another sheet; of votes for members of the State Board of Equalization, on another sheet; of votes for Trustees of the University of Illinois, on another sheet; of votes for amendments to the Constitution, and for other propositions submitted to the electors of the entire State, on another sheet; of votes for county officers and for propositions submitted to the electors of the county only, on another sheet. The foregoing abstracts shall be preserved by the county clerk in his office.

2. CERTIFICATE OF ELECTION.] [§ 72, Ch. 46, R. S.] The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the several county officers, and deliver such certificate to the person entitled to it, on his application.

3. TIE VOTE.] [§ 73, Ch. 46, R. S.] When two or more persons receive an equal and the highest number of votes for an office to be filled by the county alone, the county clerk shall issue a notice to such persons of such tie vote, and require them to appear at his office, on a day named in the notice, within ten days from the day of election, and determine by lot which of them is to be declared elected.

4. DRAWING LOTS—CERTIFICATES.] [§ 74, Ch. 46, R. S.] On the day appointed, the clerk and other canvassers, or in case of their absence, the State's attorney or sheriff, shall attend, and the parties interested shall appear and determine by lot which of them is to be declared elected; and the clerk shall issue his certificate of election to the person thus declared elected.

5. ABSTRACTS SENT TO SECRETARY OF STATE.] [§ 76, Ch. 46, R. S.] Immediately after the completion of the abstracts of votes the county clerk shall make two correct copies of the abstracts of votes for Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General and Superintendent of Public Instruction, both of which said copies he shall envelop and seal up, and endorse upon the envelopes in substance, "Abstracts of votes for State officers from ——— county," and he shall address one of the envelopes containing said copies of abstracts of votes for State officers to "the Speaker of the House of Representatives," and the other he shall address to "the Secretary of State." The county clerk shall, at the same time, envelop and seal up a copy of each of the abstracts of votes for other officers and amendments to the Constitution and other propositions voted on, and endorse the same so as to show the contents of the package, and address the same to the Secretary of State. The several packages shall then be placed in one envelope and addressed to the Secretary of State.

6. HOW ABSTRACTS SENT.] [§ 77, Ch. 46, R. S.] Such abstracts shall be transmitted to the Secretary of State by mail, or, in case it shall be necessary, by special messenger.

7. CANVASS BY SECRETARY OF STATE—TIE VOTE—COMMISSION—PROCLAMATION.] [§ 78, Ch. 46, R. S.] The Secretary of State, Auditor, Treasurer and Attorney General, or any two of them, in the presence of the Governor, shall proceed within 20 days after the election, and sooner if all the returns are received, to canvass the votes given for Representatives to Congress, Judges of the Supreme Court, Clerk of the Supreme Court, Judges of the Circuit Court, Senators, Representatives to the General Assembly, members of the State Board of Equalization and Trustees of the University of Illinois, respectively, and the persons having the highest number of votes for the respective offices shall be declared duly elected; but if it appears that more than the number of persons to be elected have the highest and equal number of votes for the same office, the Secretary of State, in the presence of the other officers and the Governor, shall decide by lot which of such persons shall be elected; and to each person duly elected; the Governor shall give a certificate of election or commission, as the case may require, and shall cause proclamation to be made of the result of the canvass, and they shall at the same time and in the same manner canvass the vote cast upon amendments to the Constitution and upon other propositions submitted to the electors of the entire State; and the Governor shall cause to be made such proclamation of the result of the canvass as the statutes elsewhere provide.

## ARTICLE XII.

## CONTESTING ELECTIONS.

1. WHEN LEGISLATURE TO HEAR.] [§ 94, Ch. 46, R. S.] The General Assembly, in joint session, shall hear and determine cases of contested elections of Governor and Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction, Trustees of the University of Illinois and Attorney General. The meeting of the two Houses, to decide upon such election, shall be held in the hall of the House of Representatives, and the Speaker of the House shall preside.

2. SENATORS AND REPRESENTATIVES.] [§ 95, Ch. 46, R. S.] The Senate and House of Representatives shall severally hear and determine contests of election of their respective members.

3. BY CIRCUIT COURT.] [§ 96, Ch. 46, R. S.] The circuit court shall hear and determine contests of the election of Judges of the Supreme Court, clerks of the Supreme Court, judges of the circuit court, judges of the Superior Court of Cook county, and members of the State Board of Equalization, but no judge of the circuit court shall sit upon the hearing of any case in which he is a party.

4. BY CIRCUIT AND SUPERIOR COURTS.] [§ 97, Ch. 46, R. S.] The circuit courts in the respective counties, and in Cook county the Superior Court also, may have [hear] and determine contests of the election of judges of the county courts, mayors of cities, presidents of county boards, presidents of villages, in reference to the removal of county seats and in reference to any other subject which may be submitted to the vote of the people of the county, and concurrent jurisdiction with the county court in all cases mentioned in section ninety-eight (98).

5. BY COUNTY COURT.] [§ 98, Ch. 46, R. S.] The county court shall hear and determine contests of election of all other county, town and precinct officers, and all other officers for the contesting of whose election no provision is made.

6. ELECTION OF STATE OFFICERS—PETITION OF CONTESTANT.] [§ 99, Ch. 46, R. S.] When any elector shall desire to contest the election of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction or Attorney General, he shall, within ten days after the result of the election shall have been determined, present a petition to the General Assembly, setting forth the points on which he will contest such election and praying for leave to produce his proof.

7. JOINT COMMITTEE TO TAKE TESTIMONY.] [§ 100, Ch. 46, R. S.] The General Assembly shall appoint a joint committee to take the testimony on the part of the petitioner, and the person whose place is contested.

8. POWERS OF JOINT COMMITTEE.] [§ 101, Ch. 46, R. S.] The committee so appointed shall have power to send for witnesses, and compel the attendance of witnesses and the production of papers, issue commissions under the hand of its chairman to any officer or

thorized to take depositions in other cases, to take the depositions of witnesses upon the points set forth in the petition, at such time and place as the commission shall direct.

9. NOTICE.] [§ 102, Ch. 46, R. S.] Reasonable notice shall be given by the party in whose favor the deposition is to be taken, to the opposite party, of the time and place of taking the same.

10. TESTIMONY.] [§ 103, Ch. 46, R. S.] No testimony shall be taken except upon the points set forth in the petition.

11. [REPORT OF COMMITTEE—HEARING—DECISION.] [§ 104, Ch. 46, R. S.] The committee shall report the facts to the House, and a day shall be fixed by a joint resolution for the meeting of the two houses to decide upon the same, in which decision the yeas and nays shall be taken and entered upon the journal.

12. [WHO MAY CONTEST SENATOR OR REPRESENTATIVE.] [§ 105, Ch. 46, R. S.] The election of any member declared duly elected to a seat in the Senate or House of Representatives of the General Assembly may be contested by any qualified voter of the county or district to be represented by such Senator or Representative.

13. NOTICE OF CONTEST.] [§ 106, Ch. 46, R. S.] The contestant shall, within 30 days after the result of the election shall have been determined, serve on the person whose election he will contest, a notice of his intention to contest such election, expressing the points on which the same will be contested; and shall, also, on or before the next session of the General Assembly, deliver a copy of such notice to the Secretary of State. In case the person whose election is contested is absent, or can not be found, service may be had by leaving a copy of such notice at his usual place of residence.

14. TESTIMONY—HOW TAKEN.] [§ 107, Ch. 46, R. S.] Whenever a notice shall have been given of intention to contest an election, as provided in the preceding section, either party may proceed to take testimony of any witness before any judge, justice of the peace, clerk of a court, master in chancery or notary public, on giving to the adverse party, or his attorney, ten days' notice of the time and place of taking the same, and one day in addition thereto (Sunday inclusive) for every fifty miles' travel from the place of residence of such party to the place where such deposition is to be taken. If the party entitled to notice resides in the county where the deposition is to be taken, five days' notice shall be sufficient.

15. POWER OF OFFICER TAKING TESTIMONY.] [§ 108, Ch. 46, R. S.] The officer before whom depositions are taken shall have power to compel the production of papers and the attendance of witnesses; and the same proceedings may be had to compel the attendance of witnesses as are provided in the case of taking depositions to be used in courts of law and equity.

16. DEPOSITIONS, ETC., TO BE SENT TO SECRETARY OF STATE.] [§ 109, Ch. 46, R. S.] A copy of the notice to take depositions, with proof of the service thereof, with the deposition, shall be sealed up

and transmitted by mail or otherwise, to the Secretary of State, with an indorsement thereon, showing the names of the contesting parties, the office contested, and the nature of the papers.

17. DELIVERY OF NOTICE OF CONTEST, ETC.—DUTY OF PRESIDING OFFICER.] [§ 110, Ch. 46, R. S.] The Secretary of State shall deliver the copy of the notice deposited with him by the contestant and the depositions unopened to the presiding officer of the branch of the General Assembly to which the contest relates on or before the second day of the session next after the receipt of the same; and the presiding officer shall immediately give notice to his house that such papers are in his possession.

18. RIGHTS OF EITHER HOUSE SAVED.] [§ 111, Ch. 46, R. S.] Nothing herein contained shall be construed to abridge the right of either branch of the General Assembly to grant commissions to take depositions, or to send for and examine any witness it may desire to hear on such trial.

19. WHO MAY CONTEST ELECTION OF OTHER OFFICERS.] [§ 112, Ch. 46, R. S.] The election of any person declared elected to any office, other than Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction, Attorney General, Senator or Representative, may be contested by an elector of the State, judicial division, district, county, town or precinct in and for which the person is declared elected.

20. CONTESTANT TO FILE STATEMENT, ETC.] [§ 113, Ch. 46, R. S.] The person desiring to contest such election shall, within 30 days after the person whose election is contested is declared elected, file with the clerk of the proper court a statement, in writing, setting forth the points on which he will contest the election, which statement shall be verified by affidavit in the same manner as bills in chancery may be verified.

21. SUMMONS.] [§ 114, Ch. 46, R. S.] Upon the filing of such statement, summons shall issue against the person whose office is contested, and he may be served with process, or notified to appear, in the same manner as is provided in cases in chancery.

22. EVIDENCE.] [§ 115, Ch. 46, R. S.] Evidence may be taken in the same manner and upon like notices as in cases in chancery.

23. TRIAL.] [§ 116, Ch. 46, R. S.] The case shall be tried in like manner as cases in chancery, and may be heard and determined by the court in term time, or by the judge in vacation, at any time not less than ten (10) days after service of process, or at any time after the defendant is required by notification to appear, and shall have preference in the order of hearing to all other cases. The court, in term time, or the judge, in vacation, may make and enforce all necessary orders for the preservation and production of the ballots, poll books, tally papers, returns, registers and other papers or evidence that may bear upon the contest.

24. OTHER ELECTIONS CONTESTED.] [§ 117, Ch. 46, R. S.] Any five electors of the county may contest an election upon any subject which may by law be submitted to a vote of the people of the county upon filing in the circuit court, within 30 days after the result of the election shall have been determined, a written statement in like form as in other cases of contested elections in the circuit court. The county shall be made defendant, and process shall be served as in suits against the county, and like proceedings shall be had as in other cases of contested elections before such court.

25. WHEN ELECTOR MAY DEFEND FOR COUNTY.] [§ 118, Ch. 46, R. S.] In case the county board shall fail or refuse properly to defend such contest, the court shall allow any one or more electors of the county to appear and defend, in which case the electors so defending shall be liable for the costs, in case the judgment of the court shall be in favor of the contestants.

26. JUDGMENT.] [§ 119, Ch. 46, R. S.] The judgment of the court, in cases of contested elections, shall confirm or annul the election, according to the right of the matter; or, in case the contest is in relation to the election of some person to an office, shall declare as elected the person who shall appear to be duly elected.

27. TIE.] [§ 120, Ch. 46, R. S.] If it appears that two or more persons have, or would have had, if the legal ballots cast, or intended to be cast for them had been counted, the highest, and an equal number of votes for the same office, the persons receiving such vote shall decide by lot, in such manner as the court shall direct, which of them shall be declared duly elected; and the judgment shall be entered accordingly.

28. CERTIFIED COPY OF JUDGMENT.] [§ 121, Ch. 46, R. S.] A certified copy of the judgment of the court shall have the same effect as the result of the election, as if it had been so declared by the canvassers.

29. WHEN ELECTION ADJUDGED VOID.] [§ 122, Ch. 46, R. S.] When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualification on his part, or for other causes, the person receiving the next highest number of votes shall not be declared elected, but the election shall be declared void.

30. APPEAL.] [§ 123, Ch. 46, R. S.] In all cases of contested elections in the circuit courts or county courts, appeals may be taken to the Supreme Court in the same manner, and upon like conditions as is provided by law for taking appeals in cases in chancery from the circuit courts.

31. BALLOTS TO BE OPENED.] [§§ 60 and 314, Ch. 46, R. S.] In all cases of contested elections, the parties contesting the same shall have the right to have the package of ballots cast at such election opened, and to have all errors of the judges in counting or refusing to count any ballot, corrected by the court or body trying such contest; but such ballots shall be opened only in open court, or in open session of such body, and in the presence of the officer having the custody thereof.

## ARTICLE XIII.

## OFFENSES AND PENALTIES.

1. LIQUOR.] [§ 79, Ch. 46, R. S.] No spirituous, malt, vinous or intoxicating liquor shall be sold or given away at retail, nor shall any saloon or barroom or place where such liquor is so sold or given away, be open upon any general or special election day within one mile of the place of holding an election. Whoever violates the provisions of this section shall be fined in a sum not less than \$25.00 nor more than \$100.00. It shall be the duty of the sheriff, coroner, constables and other officers of the county, and magistrates, to see that the provisions of this section are enforced.

2. FALSE SWEARING.] [§ 80, Ch. 46, R. S.] If any person whose vote is challenged, or any witness sworn under the provisions of this act, shall knowingly, wilfully and corruptly swear falsely, he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly.

3. REGISTRY.] [Part § 142, Ch. 46, R. S.] Any person who shall wilfully make to any board of registry, any false statement in relation to his location, residence or qualification to vote, or to be registered at any election, or in any election precinct or district, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished with a fine of \$50.00, or by imprisonment in the county jail for a period of ten days, or by both such fine and imprisonment.

4. FRAUDULENT REGISTRATION—FALSE SWEARING, ETC.] [Part § 147, Ch. 46, R. S.] Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where such registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person, in any manner, in either of said acts, shall be punished, for each and every offense, by imprisonment in the State prison for not less than one year. All intentional false swearing before said board of registration shall be deemed wilful and corrupt perjury, and, on conviction, punished as such.

5. ILLEGAL VOTING.] [§ 81, Ch. 46, R. S.] Whoever unlawfully votes more than once at any election, or offers to vote after having once voted at such election, or knowing that he is not a qualified voter at an election, wilfully votes at such election, shall, on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisonment in the county jail not exceeding one year, or both, in the discretion of the court,

6. OTHER OFFENSES.] [§ 82, Ch. 49, R. S.] Whoever wilfully aids or abets any one not legally qualified to vote at an election in voting or attempting to vote at such election; or

Second—Furnishes an elector with a ticket or ballot, informing him that it contains a name different from that which appears thereon, with intent to induce him to vote contrary to his inclination; or



Third—Changes a ballot of an elector with intent to deprive such elector of voting for such person as he intended; or

Fourth—By unlawful means prevents, or attempts to prevent, any voter from attending or voting at an election; or

Fifth—Gives, or offers to give any valuable thing or bribe to any judge or clerk of election, as a consideration for some act to be done, or omitted to be done, contrary to his official duty in relation to such election, shall, on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both in the discretion of the court. And any judge or clerk who shall receive, request or demand any bribe or reward forbidden by this act shall, upon conviction, be liable to the same penalties as are prescribed in this article for the giving, or offering to give, such bribe or reward.

7. RECEIVING, REQUESTING, ETC., BRIBES, ETC.—UPON SECOND OFFENSE.] [§ 83, Ch. 46, R. S.] Any person who shall solicit, request, demand or receive, directly or indirectly, any money, intoxicating liquor or other thing of value, or the promise thereof, either to influence his vote, or to be used, or under the pretense of being used, to procure the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of an election for or against any candidate for office, or for or against any measure or question to be voted upon at such election, shall be deemed guilty of the infamous crime of bribery in elections and upon conviction thereof in any court of record, shall be sentenced to disfranchisement by the judge of such court for a term of not less than five nor more than fifteen years, and to the county jail not less than three months nor more than one year, and to pay the costs of prosecution and stand committed to the county jail until such costs shall be fully paid. That for a conviction of a second offense under this section, the first being alleged and proven, such second offender shall be by the sentence of the court, forever thereafter disfranchised and deprived of the right to vote at any election in this State, and be imprisoned in the county jail not less than one year, and be committed to jail in default of payment of costs of prosecution until such costs are fully paid. Prosecution may be had under this section by indictment in the circuit court, or by information in the county courts, and the effect of a sentence of disfranchisement in either of said courts, both having jurisdiction of offenses hereunder, shall be to deprive such persons sentenced of the right to vote at any general or special election or town meeting, within this State for the period of time fixed by the court where such person shall be convicted under this section. Any candidate or other person paying, furnishing or promising to pay or furnish, or bribing such person with money, intoxicating liquor or other thing of value, or the promise thereof, shall not be liable to punishment therefor, but shall be a competent witness and compelled to testify in prosecutions under this section. Solicitation by any person of a loan of money, or the purchase of anything of value, or of liquor by the drink or treat to influence or effect his vote, or any other subterfuge, shall be deemed a violation hereof.

8. PERSONS DISFRANCHISED.] [Last part § 83, Ch. 46, R. S.] Any person who shall have been legally convicted and disfranchised by a court of competent jurisdiction who shall, before the expiration of his term of disfranchisement, vote or offer to vote, at any general or special election or town meeting, shall, upon indictment and conviction thereof in a court of competent jurisdiction, be confined in the penitentiary for a term of years not less than one nor more than ten.

9. DISORDERLY CONDUCT.] [§ 84, Ch. 46, R. S.] Whoever is disorderly at any election shall forfeit a sum not exceeding \$25.

10. BETTING ON ELECTION.] [§ 85, Ch. 46, R. S.] Whoever bets or wagers any money, property or other valuable thing upon the result of an election which may be held under the Constitution or laws of this State, or bets or wagers money, property or other valuable thing upon the number of votes which may be given to any person at an election, or upon who will receive the greatest number of votes at an election, or agrees to pay any other person any money, property or other valuable thing in the event that an election shall result in one way, or in the event that any person shall or shall not be elected, or shall receive a greater number of votes than others, upon conviction thereof he shall be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

11. ABSENCE FOR VOTING PURPOSES—EMPLOYER PREVENTING, PENALTY.] [Part § 312, Ch. 46, R. S.] Any person or corporation who shall refuse to an employé the privilege of absenting himself two hours from service or employment for the purpose of voting, as provided in this act, or shall subject an employé to a penalty or deduction of wages because of the exercise of such privilege, or who shall directly or indirectly violate the provisions of this section, shall be deemed guilty of a misdemeanor and be fined in any sum not less than \$5 or more than \$100.

12. CARRYING AWAY, DEFACING, ETC., POLL BOOKS, ETC.] [§ 93, Ch. 46, R. S.] Whoever shall, wilfully and wrongfully, take or carry away from the place where it has been deposited for safe keeping, or deface, mutilate or change any poll book, ballot or tally list, or any name or figure therein, shall, on conviction, be fined in a sum not exceeding \$1,000.00, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

13. DESTROYING POSTED LISTS, ETC.—PENALTY.] [§§ 136 and 317, Ch. 46, R. S.] Any person who shall, prior to an election, wilfully take down or destroy any list of voters posted by any board of registration, or any list of candidates posted in accordance with the provisions of this act, or who, during an election, shall wilfully deface, tear down, remove or destroy any card of instructions or specimen ballots printed and posted for the instruction of voters, or who shall, during an election, wilfully remove or destroy any of the supplies or conveniences furnished to enable voters to prepare their ballots, or shall wilfully hinder the voting of others, shall be punished by a fine of not less than \$10.00 nor more than \$100.00.

14. DESTROYING, ETC., CERTIFICATE OF NOMINATION—SPURIOUS BALLOTS, ETC.—PENALTY.] [§ 318, Ch. 46, R. S.] Any person who shall falsely make or wilfully destroy any certificate of nomination or nomination papers, or any part thereof; or any letter of withdrawal, or file any certificate of nomination or nomination papers, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination papers, or any part thereof, which has been duly filed, or forge or falsely make the official endorsement on any ballot, or shall take from the polling place any official ballot or substitute therefor any spurious or counterfeit ballot, or make, use, circulate, or cause to be made or circulated as an official ballot any paper printed in imitation or resemblance thereof, or wilfully destroy or deface any ballot, or wilfully delay the delivery of any ballots, shall be punished by a fine not less than \$100.00 and not exceeding \$1,000.00, or by imprisonment in the penitentiary not less than one year and not exceeding five years, or both such fine and imprisonment.

15. ELECTIONEERING AT POLLS PROHIBITED—PENALTY.] [§ 315, Ch. 46, R. S.] No person whatever shall do any electioneering or soliciting of votes on election day within any polling place or within 100 feet of any polling place; no person shall interrupt, hinder or oppose any voter while approaching the polling place for the purpose of voting. Whoever shall violate the provisions of this section shall be punished by a fine of not less than \$25.00 nor more than \$100.00 for each and every offense; and it shall be the duty of the judges of election to enforce the provisions of this section.

16. UNLAWFUL EXHIBITION OF BALLOT—FALSE STATEMENT—PENALTY.] [§ 316, Ch. 46, R. S.] Any voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere, or attempt to interfere, with any voter when inside said enclosed space, or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, and it shall be the duty of the election judges to enforce the provisions of this section.

17. WHEN OTHER PERSON ASCERTAINS OR DISCLOSES VOTE.] [§ 88, Ch. 46, R. S.] If any person shall wilfully or corruptly ascertain or publish or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

#### BY ELECTION OFFICERS.

18. OFFENSES OF JUDGE OF ELECTION.] [§ 86, Ch. 46, R. S.] If any judge of any election shall permit a person to vote, whose vote is challenged, without the proof required in this act; or

Second—Shall knowingly and wilfully permit a person to testify as a witness contrary to the provisions of this act; or

Third—Shall knowingly permit a person to vote who is not qualified according to law; or

Fourth—Shall knowingly receive and count more than one vote from the same person at the same election for the same office, except as allowed by law; or

Fifth—Shall refuse to receive the vote of a qualified elector at such election who will make the affidavit and proof required by this act; or

Sixth—Shall be guilty of any fraud, corruption, partiality or manifest misbehavior; or

Seventh—Shall open or unfold any ballot when the same is presented to be deposited in the ballot box; or

Eighth—Shall wilfully neglect to perform any of the duties required of him by this act, shall, on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

19. WHEN JUDGE OR CLERK ASCERTAINS OR DISCLOSES VOTE.] [§ 87, Ch. 46, R. S.] If any judge or clerk of election shall wilfully or corruptly ascertain, or shall allow any other person to ascertain, or shall wilfully publish or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

20. NEGLECT OF DUTY BY CLERK.] [§ 89, Ch. 46, R. S.] If any clerk of an election shall wilfully neglect to perform any duty required of him as clerk of election, or shall be guilty of fraud, corruption or misbehavior as such clerk, he shall, on conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

21. FAILURE TO DELIVER POLL BOOKS, ETC.] [§ 90, Ch. 46, R. S.] If any judge, clerk or messenger, after having been deputed by the judges of election to carry the poll books, tally list, and votes of such election to the place where, by law, they are required to be canvassed, wilfully or negligently fails to deliver such poll books, tally list or ballots within the time prescribed by law, with the seal unbroken, he shall, upon conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

22. NEGLECT BY COUNTY CLERK.] [§ 91, Ch. 46, R. S.] If the county clerk wilfully neglects or refuses to perform any duty required of him by this act, he shall, upon conviction, be fined in a sum not exceeding \$500, and shall be liable to the person injured by reason of such neglect or refusal, in an amount not exceeding \$500, to be recovered in an action on the case.

23. FRAUD IN CANVASSING.] [§ 92, Ch. 46, R. S.] If any county clerk or justice of the peace shall be guilty of any fraud, corruption or misbehavior, in canvassing the votes or making any abstract of votes or issuing any certificate of election, he shall, on conviction, be fined in any sum not exceeding \$500, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

24. REFUSAL OF SUPERVISOR, ETC., TO ACT—PENALTY.] [§ 93½, Ch 46, R. S.] If any supervisor, county commissioner, or member of any county board, shall wilfully refuse, neglect or fail to do any act, or perform any duty required of him by the election laws of this State, he shall be deemed guilty of a misdemeanor, and, upon conviction fined not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

25. NEGLECT OF OFFICER TO PERFORM DUTIES.] [§ 319, Ch. 46, R. S.] Any public officer upon whom a duty is imposed by this act [June 22, 1891], who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such way as to hinder the object of this act, shall be punished by a fine of not less than \$5.00 nor more than \$1,000.00, or by imprisonment in the penitentiary for not less than one year, and not exceeding five years, or by both such fine and imprisonment.

26. PENALTY FOR MISCONDUCT OF BOARD OF REGISTRATION.] [§ 147, Ch. 46, R. S.] If any member or officer of any board of registration shall wilfully violate any of the provisions of this act [July 15, 1865], or be guilty of any fraud in the execution of the duties of office, he shall be punished for each and every offense by imprisonment in the State prison for not less than one year,

27. REPEAL.] [§ 322, Ch. 46, R. S.] This act shall not repeal an act entitled, "An act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns," approved June 19, 1885, or any of the amendments thereto; but all elections in cities, villages and incorporated towns which may have heretofore adopted or which may hereafter adopt the said act, shall be held in accordance with the provisions thereof. Except as to the manner of making nominations for office, the manner of providing printing and distributing ballots, the form of ballot, the arrangement and the furnishing of polling places and voting booths, and the manner of voting and the numbering and preserving the ballots, all of which shall be in conformity with the provisions of this act. No penalty provided for a violation of any of the provisions of this act shall be construed as a substitute for, or a repeal of any penalty provided in the aforesaid act of June 19, 1885, for a violation of any of the provisions of said act.

## ARTICLE XIV.

### RESIGNATIONS AND VACANCIES.

1. OF ELECTIVE OFFICERS.] [§ 124, Ch. 46, R. S.] Resignations of elective offices shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment, or to order an election to fill such vacancy.

2. WHEN OFFICE BECOMES VACANT.] [§ 125, Ch. 46, R. S.] Every elective office shall become vacant on the happening of either of the following events before the expiration of the term of such office:

First—The death of the incumbent.

Second—His resignation.

Third—His becoming insane.

Fourth—His ceasing to be an inhabitant of the State, or, if the office is local, his ceasing to be an inhabitant of the district, county, town or precinct for which he was elected.

Fifth—His conviction of an infamous crime, or of any offense involving a violation of official oath.

Sixth—His removal from office.

Seventh—His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

Eighth—The decision of a competent tribunal declaring his election void.

3. WHO MAY DETERMINE WHEN VACANCY EXISTS.] [§ 126, Ch. 46, R. S.] Whenever it is alleged that a vacancy in any office exists, the officer, court or county board, whose duty it is to fill the vacancy by appointment, or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exist.

4. GOVERNOR AND LIEUTENANT GOVERNOR VACANT.] [§ 127, Ch. 46, R. S.] In case of vacancies in the office of Governor and Lieutenant Governor, the officer performing the duties of the office of Governor, or if there is no such officer, the Secretary of State shall issue a proclamation appointing a day for a special election to fill such vacancies, and shall issue a writ of election to the county clerks of the several counties in the State, and shall also, when necessary call a special session of the General Assembly to canvass the votes cast at such election; but if such vacancy shall occur not more than 90 days before a general election for members of the Legislature, the vacancy shall be filled at such general election, in which case no special session of the General Assembly to canvass votes shall be deemed necessary.

5. STATE TREASURER AND AUDITOR.] [§ 4, Ch. 15 and § 4, Ch. 130, R. S.] If any person elected to the office of State Treasurer or Auditor of Public Accounts shall fail to give bond or take the oath required of him within ten days after he is declared elected, the office shall be deemed vacant, and if the Treasurer or Auditor of Public Accounts, being required by the Governor to give additional bond fails to do so within twenty days after such requirement, his office may, in the discretion of the Governor, be declared vacant and filled as provided by law.

6. OTHER STATE OFFICERS.] [§ 128, Ch. 46, R. S.] When a vacancy shall occur in the office of Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Superintendent of Public Instruction or member of the State Board of Equalization, the Governor shall fill the same by appointment, and the appointee shall hold his office during the remainder of the term, and until his successor is elected and qualified.

7. SENATOR OR REPRESENTATIVE.] [§ 129, Ch. 46, R. S.] When a vacancy shall occur in the office of Senator or Representative in the General Assembly, it shall be the duty of the county clerk of the county in which the member whose office is vacant resided, to notify the Governor of such vacancy. Whereupon the Governor shall issue a writ of election to the county clerk or clerks of the county or counties in which the vacancy is to be filled, fixing a day upon which an election shall be held to fill such vacancy; but unless the General Assembly shall be in session at the time the vacancy occurs, or there shall be a session between the time vacancy occurs and the next succeeding general election, no special election shall be ordered to fill such vacancy.

8. REPRESENTATIVES IN CONGRESS.] [§ 130, Ch. 46, R. S.] When any vacancy shall occur in the office of Representative in Congress from this State, the Governor shall issue a writ of election to the county clerks of the several counties in the district where the vacancy exists, appointing a day to hold a special election to fill such vacancy.

9. JUDGES.] [§ 131, Ch. 46, R. S.] When a vacancy shall occur in the office of Judge of the Supreme Court, judge of the circuit court, judge of the Superior Court of Cook county, or judge of the county court, the clerk of the court in which the vacancy exists, shall notify the Governor of such vacancy. If such vacancy shall occur within one year before the expiration of the term of the office, made vacant, the Governor shall fill such vacancy by appointment; but if the unexpired term exceeds one year, the Governor shall issue a writ of election, as in other cases of vacancies to be filled by election.

10. CLERKS OF COURTS.] [§ 132, Ch. 46, R. S.] When a vacancy shall occur in the office of clerk of the Supreme Court, or in the office of clerk of the Superior Court of Cook county, or clerk of the circuit court of any of the counties of this State, and the unexpired term of such clerk shall exceed one year, it shall be the duty of the court, or, if in vacation, of the judge or judges of the court in which such vacancy may occur, to appoint a clerk *pro tempore*; and such appointee shall qualify in the same manner, and give bond as required by law of the clerk of the court to which he is appointed, to be approved by the court, or, if in vacation, by the judge or judges making the appointment; and thereupon such appointee shall be authorized to perform all duties and receive all emoluments allowed by law to the duly elected clerk of such court, and shall hold such office until an election can be held to fill the same, and until the person so elected shall have qualified according to law. Whenever an appointment shall be made, as provided by this act, it shall be the duty of the court, or the judge or judges making such appointment, to notify the Governor forthwith of the vacancy filled by such appointment; and upon receiving such notice it shall be the duty of the Governor, as soon thereafter as may be practicable, to issue a writ of election as in other cases of vacancies to be filled by election, in the same manner as if no appointment had been made; and when

any such vacancy shall occur, and the unexpired term does not exceed one year, such vacancy shall be filled by appointment by the court to which such office appertains, or by the judge or judges thereof.

11. COUNTY OFFICERS, PRECINCT OFFICERS, ETC.] [§ 133, Ch. 46, R. S.] When a vacancy shall occur in the office of county commissioner, State's attorney, sheriff, coroner, county clerk, recorder of deeds, county treasurer, county surveyor, or other county, town or precinct officer not otherwise provided for by law, within one year before the expiration of the term of such vacant office, the vacancy shall be filled by appointment by the county board of the county in which the vacancy exists; but if such unexpired term exceeds one year, the county clerk, or, in case of a vacancy in his office, the chairman of the county board, shall issue an order appointing a day for an election to fill such vacancy, and cause notice thereof to be given as in other cases of election.

12. COUNTY SUPERINTENDENT.] [§ 14, Ch. 122, R. S.] When the office of county superintendent shall become vacant by death, resignation, the removal of the incumbent by the county board or otherwise, the county board shall fill such vacancy by appointment, and the person so appointed shall hold his office until the next election of county officers, at which election the county board shall order the election of a successor.

13. JUSTICE OF THE PEACE AND CONSTABLE.] [§ 7, Ch. 79, R. S.] When a vacancy occurs in the office of a justice of the peace or constable, by death, resignation, removal from the town or precinct, or other cause, if the unexpired term exceeds one year his office shall be filled by special election; and it shall be the duty of the town clerk in counties under township organization, and county clerks in counties not under township organization, in case of such vacancy, to issue his order to the judges of election of the proper town or precinct, requiring them, on a certain day therein named, not less than 20 days from the issuing of such order, to hold an election to fill such vacancy; and at the same time the county clerk shall deliver to such judges three copies of a notice of such election, two of which notices shall be posted up in such town or precinct in two public places therein; and an election shall be held pursuant to such order, and conducted as other elections. If the unexpired term of his office does not exceed one year, the vacancy shall be filled by appointment by the county board.

14. JUDGE OF CITY COURTS ] [§ 244, Ch. 37, R. S.] Vacancies in the office of judge of city courts shall be filled for the unexpired term, at a special election, to be called and held by the same authority, and in the same manner that other city elections may be held, where such unexpired term exceeds one year; but where the same does not exceed one year, such vacancy shall be filled by appointment by the Governor.



15. TO WHAT ELECTIONS THIS ACT MAY APPLY.] [§ 134, Ch. 46, R. S.] The provisions of this article shall apply, as far as practicable, to all elections in this State, whether general, special, local or municipal, except so far as they are modified or contravened by other legal enactments.

## ARTICLE XV.

### CONGRESSIONAL APPORTIONMENT.

(Act of 1901.)

1. DISTRICTS.] [§ 150, Ch. 46, R. S.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The State of Illinois be and the same hereby is apportioned into 25 congressional districts, and that the same are hereby established and shall be respectively composed as herein set forth, to-wit:

The First district shall be composed of the First ward, the Second ward, that part of the Third ward east of the center line of Stewart avenue, that part of the Fourth ward lying east of the center line of Halsted street, that part of the Sixth ward north of the center line of Forty-third street, all in the city of Chicago.

The second district shall be composed of that part of the Sixth ward south of the center line of Forty-third street, the Seventh ward, the Eighth ward, and the Thirty-third ward, in the city of Chicago.

The Third district shall be composed of the towns of Lemont, Palos, Worth, Orland, Bremen, Thornton, Rich, Bloom and Calumet in Cook county, and that part of the Twenty-ninth ward south of the center line of Fifty-first street, that part of the Thirtieth ward south of the center line of Fifty-first street, the Thirty-first ward and the Thirty-second ward, in the city of Chicago.

The Fourth district shall be composed of that part of the Third ward lying west of the center line of Stewart avenue, that part of the Fourth ward lying west of the center line of Halsted street, the Fifth ward, that part of the Eleventh ward south of the center line of Twenty-second street, that part of the Twelfth ward lying south of the center line of Twenty-second street, that part of the Twenty-ninth ward north of the center line of Fifty-first street, and that part of the Thirtieth ward north of the center line of Fifty-first street, in the city of Chicago.

The Fifth district shall be composed of the Ninth ward, the Tenth ward, that part of the Eleventh ward north of the center line of Twenty-second street, and that part of the Twelfth ward north of the center line of Twenty-second street, in the city of Chicago.

The Sixth district shall be composed of the towns of Proviso, Cicero, Riverside, Stickney and Lyons, in Cook county, and the Thirteenth ward, the Twentieth ward, the Thirty-fourth ward, and that part of the Thirty-fifth ward south of the south line of the right of way of the Chicago and Northwestern Railway company, in the city of Chicago.

The Seventh district shall be composed of the towns of Hanover, Schaumberg, Elk Grove, Maine, Leyden, Barrington, Palatine, Wheeling and Norwood Park, in Cook county, the Fourteenth ward that part of the Fifteenth ward west of the center line of Robey street, the Twenty-seventh ward, the Twenty-eighth ward, and that part of the Thirty-fifth ward north of the south line of the right of way of the Chicago and Northwestern Railway company, in the city of Chicago.

The Eighth district shall be composed of that part of the Fifteenth ward east of the center line of Robey street, the Sixteenth ward, the Seventeenth ward, the Eighteenth ward and the Nineteenth ward, in the city of Chicago.

The Ninth district shall be composed of the Twenty-first ward, the Twenty-second ward, that part of the Twenty-third ward east of the center line of Halsted street, and that part of the Twenty-fifth ward south of the center line of Graceland avenue, in the city of Chicago.

The Tenth district shall be composed of that part of the Twenty-third ward west of the center line of Halsted street, the Twenty-fourth ward, that part of the Twenty-fifth ward north of the center line of Graceland avenue and the Twenty-sixth ward, in the city of Chicago; also the towns of Evanston, Niles, New Trier and Northfield in Cook county, and the county of Lake.

The Eleventh district shall be composed of the counties of DuPage, Kane, McHenry and Will.

The Twelfth district shall be composed of the counties of Boone, DeKalb, Grundy, Kendall, LaSalle and Winnebago.

The Thirteenth district shall be composed of the counties of Carroll, JoDaviess, Lee, Ogle, Stephenson and Whiteside.

The Fourteenth district shall be composed of the counties of Hancock, Henderson, McDonough, Mercer, Rock Island and Warren.

The Fifteenth district shall be composed of the counties of Adams, Fulton, Henry, Knox and Schuyler.

The Sixteenth district shall be composed of the counties of Bureau, Marshall, Peoria, Putnam, Stark and Tazewell.

The Seventeenth district shall be composed of the counties of Ford, Livingston, Logan, McLean and Woodford.

The Eighteenth district shall be composed of the counties of Clark, Cumberland, Edgar, Iroquois, Kankakee and Vermilion.

The Nineteenth district shall be composed of the counties of Champaign, Coles, DeWitt, Douglas, Macon, Moultrie, Shelby and Piatt.

The Twentieth district shall be composed of the counties of Brown, Calhoun, Cass, Greene, Jersey, Mason, Menard, Morgan, Pike and Scott.

The Twenty-first district shall be composed of the counties of Christian, Macoupin, Montgomery and Sangamon.

The Twenty-second district shall be composed of the counties of Bond, Madison, Monroe, St. Clair and Washington.

The Twenty-third district shall be composed of the counties of Clinton, Crawford, Effingham, Fayette, Jasper, Jefferson, Lawrence, Marion, Richland and Wabash.

The Twenty-fourth district shall be composed of the counties of Clay, Edwards, Gallatin, Hamilton, Hardin, Johnson, Massac, Pope, Saline, Wayne and White.

The Twenty-fifth district shall be composed of the counties of Alexander, Franklin, Jackson, Perry, Pulaski, Randolph, Union and Williamson.

2. ONE REPRESENTATIVE FROM EACH DISTRICT.] [§ 151, Ch. 46, R. S.] One Representative to the Congress of the United States shall be elected in each of the districts before enumerated on the Tuesday after the first Monday of November, in the year of our Lord one thousand nine hundred and two (1902), and one in each of said districts every two years thereafter; such election shall be held, and the returns thereof made and canvassed, in the manner provided by law.

3. DEFINES WARD IN CHICAGO.] [§ 151a, Ch. 46, R. S.] Whenever the word "ward" or "wards," in the city of Chicago, are used in this act, they shall be construed as meaning the wards as existing in said city at the time of the passage of this act.

4. REPEAL.] [§ 151b, Ch. 46, R. S.] An act entitled "An act to apportion the State of Illinois into twenty-two Congressional districts, and establish the same, and provide for the election of Representatives therein," approved June 9, 1893, in force July 1, 1893, is hereby repealed.

## ARTICLE XVI.

### SENATORIAL AND REPRESENTATIVE APPORTIONMENT.

(Act of 1901.)

1. APPORTIONMENT.] [§ 152, Ch. 46, R. S.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That until the taking and return of the next federal census and the apportionment thereunder, as provided in the Constitution, the State shall be divided into Senatorial districts; each of which shall be entitled to one Senator and three Representatives as follows, to-wit:

First—The First and Second wards in the city of Chicago, in the county of Cook, shall constitute the First district.

Second—That part of the Eleventh ward lying north of the center line of Sixteenth street; that part of the Twelfth ward lying north of the center line of Sixteenth street and east of the center line of California avenue, and the Twentieth ward in the city of Chicago, in the county of Cook, shall constitute the Second district.

Third—The Third ward, that part of the Fourth ward lying east of the center line of Halsted street, and that part of the Fifth ward bounded as follows: Beginning at the intersection of Thirty-third street and Union avenue, and running south along the center line of Union avenue to the center line of Thirty-fifth street, thence running east along the center line of Thirty-fifth street to the center line of Parnell avenue, thence running north along the center line of Parnell avenue to the center line of Thirty-third street, thence running west along the center line of Thirty-third street to the place of be-

ginning, and that part of the Sixth ward lying north of the center line of Forty-third street, said center line being extended easterly to Lake Michigan, in the city of Chicago, in the county of Cook, shall constitute the Third district.

Fourth—The Twenty-ninth and Thirtieth wards, and that part of the Thirty-first ward lying north of the center line of Fifty-seventh place and east of the east line of the right of way of the Chicago, Rock Island & Pacific Railway company, in the city of Chicago, in the county of Cook, shall constitute the Fourth district.

Fifth—The Sixth ward, except that part thereof lying north of the center line of Forty-third street, said center line being extended easterly to Lake Michigan, and the Seventh ward, except that part thereof lying south of the center line of Sixty-third street, said center line being extended easterly to Lake Michigan, and east of the center line of Cottage Grove avenue, in the city of Chicago, in the county of Cook, shall constitute the Fifth district.

Sixth—The Twenty-fourth ward, that part of the Twenty-fifth ward lying north of the center line of Devon avenue, that part of the Twenty-third ward lying west of the center line of Halsted street, and the Twenty-sixth ward in the city of Chicago; also all that part of the town of Evanston lying outside of the city of Chicago, and those parts of the towns of Niles and New Trier lying within the city of Evanston, all in the county of Cook, shall constitute the Sixth district.

Seventh—The towns of Thornton, Bloom, Rich, Bremen, Orland, Lemont, Palos, Worth, Lyons, Stickney, Proviso, Leyden, Elk Grove, Schaumburg, Hanover, Barrington, Palatine, Wheeling, Northfield, that part of the town of New Trier lying outside of the city of Evanston, that part of the town of Niles lying outside of the city of Chicago and outside of the city of Evanston, and those parts of the towns of Norwood Park and Maine lying outside of the city of Chicago, all in the county of Cook, shall constitute the Seventh district.

Eighth—The counties of Lake, McHenry and Boone, shall constitute the Eighth district.

Ninth—That part of the Fourth ward lying west of the center line of Halsted street, the Fifth ward, except that part bounded as follows: Beginning at the intersection of Thirty-third street, and Union avenue and running along the center line of Union avenue to the center line of Thirty-fifth street, thence running east along the center line of Thirty-fifth street to the center line of Parnell avenue, thence running north along the center line of Parnell avenue to the center line of Thirty-third street, thence running west along the center line of Thirty-third street to the place of beginning, and that part of the Twelfth ward lying south and east of a line beginning at the intersection of Hoyne avenue and Sixteenth street and running west along the center line of Sixteenth street to the center line of California avenue, thence running south along the center line of California avenue to the north line of the right of way of the Chicago, Burlington and Quincy Railroad Company, thence running in a south-westerly direction along said north line of the right of way of the Chicago, Burlington and Quincy Railroad Company to the center line

of Clifton Park avenue, thence running south along the center line of Clifton Park avenue to the center line of Twenty-fourth street, thence running west along the center line of Twenty-fourth street to the center line of Central Park avenue, and thence running south along the center line of Central Park avenue to the Illinois and Michigan canal, in the city of Chicago, in the county of Cook, shall constitute the Ninth district.

Tenth—The counties of Ogle and Winnebago shall constitute the Tenth district.

Eleventh—The Thirty-first ward, except that part thereof lying north of the center line of Fifty-seventh place and east of the east line of the right of way of the Chicago, Rock Island & Pacific Railway Company, and the Thirty-second ward, in the city of Chicago, in the county of Cook, shall constitute the Eleventh district.

Twelfth—The counties of Stephenson, Jo Daviess and Carroll shall constitute the Twelfth district.

Thirteenth—That part of the Seventh ward lying south of the center line of Sixty-third street, said center line being extended easterly to Lake Michigan and east of the center line of Cottage Grove avenue, the Eighth and Thirty-third wards, in the city of Chicago, and that part of the town of Calumet lying outside of the city of Chicago, and all in the county of Cook, shall constitute the Thirteenth district.

Fourteenth—The counties of Kane and Kendall shall constitute the Fourteenth district.

Fifteenth—The Ninth ward, except that part thereof lying north and west of a line beginning at the intersection of Morgan and Fourteenth streets and running east along the center line of Fourteenth street to the center line of Johnson street, thence running north along the center line of Johnson street to the center line of Maxwell street, and thence running east along the center line of Maxwell street to the south branch of the Chicago river, the Tenth ward except that part thereof lying north and west of a line beginning at the intersection of Laffin and Sixteenth streets and running east along the center line of Sixteenth street to the center line of Throop street, thence north along the center line of Throop street to the center line of Fourteenth street, and thence running east along the center line of Fourteenth street to the center line of Morgan street, and that part of the Eleventh ward lying south of the center line of Sixteenth street, in the city of Chicago, in the county of Cook, shall constitute the Fifteenth district.

Sixteenth—The counties of Marshall, Putnam, Livingston and Woodford shall constitute the Sixteenth district.

Seventeenth—That part of the Ninth ward lying north and west of a line beginning at the intersection of Morgan and Fourteenth streets and running east along the center line of Fourteenth street to the center line of Johnson street; thence running north along the center line of Johnson street to the center line of Maxwell street, and thence running east along the center line of Maxwell street to the south branch of the Chicago river, that part of the Tenth ward lying

north and west of a line beginning at the intersection of Laflin and Sixteenth streets and running east on the center line of Sixteenth street to the center line of Throop street, thence running north along the center line of Throop street to the center line of Fourteenth street, and thence running east along the center line of Fourteenth street to the center line of Morgan street, and the Nineteenth ward, in the city of Chicago, in the county of Cook, shall constitute the Seventeenth district.

Eighteenth—The county of Peoria shall constitute the Eighteenth district.

Nineteenth—That part of the Twelfth ward lying north and west of a line beginning at the intersection of Twelfth street and California avenue and running south along the center line of California avenue to the north line of the right of way of the Chicago, Burlington & Quincy Railroad company, and thence running in a south-westerly direction along said north line of the said right of way to the center line of Clifton Park avenue, the Thirteenth and the Thirty-fourth wards, in the city of Chicago, that part of the town of Cicero lying south of the center line of Twelfth street and the town of Riverside, all in the county of Cook, shall constitute the Nineteenth district.

Twentieth—The counties of Kankakee, Grundy and Iroquois shall constitute the Twentieth district.

Twenty-first—The Fourteenth ward, that part of the Seventeenth ward lying south of a line beginning at the intersection of Ashland avenue and Augusta street and running thence east along the center line of Augusta street to the center line of Holt street, thence running south along the center line of Holt street to the center line of Cornell street, thence running east along the center line of Cornell street to the center line of Milwaukee avenue, thence running south-easterly along the center line of Milwaukee avenue to the center line of Green street, and thence south along the center line of Green street to the center line of Kinzie street, and that part of the Thirty-fifth ward lying south of a line beginning at the intersection of Chicago avenue and Homan avenue and running thence west along the center line of Chicago avenue to the center line of Park avenue, thence south along the center line of Park avenue to the center line of Lake street, and thence running west along the center line of Lake street to the center line of Austin avenue, in the city of Chicago, in the county of Cook shall constitute the Twenty-first district.

Twenty-second—The counties of Vermilion and Edgar shall constitute the Twenty-second district.

Twenty-third—The Fifteenth ward, that part of the Sixteenth ward, bounded as follows: Beginning at the intersection of North avenue and Ashland avenue and running west on the center line of North avenue to the center line of Robey street, thence running south along the center line of Robey street to the center line of Division street, thence running east along the center line of Division street to the center line of Ashland avenue, thence running north along the center line of Ashland avenue to the place of beginning, that part of the Thirty-fifth ward lying north of a line beginning at the intersection

of Kedzie and Chicago avenues and running west along the center line of Chicago avenue to the center line of Park avenue, thence running south along the center line of Park avenue to the center line of Lake street, and thence running west along the center line of Lake street to the center line of Austin avenue, in the city of Chicago, and that part of the town of Cicero lying north of the center line of Twelfth street, all in the county of Cook, shall constitute the Twenty-third district.

Twenty-fourth—The counties of Champaign, Piatt and Moultrie shall constitute the Twenty-fourth district.

Twenty-fifth—The Twenty-seventh and Twenty-eighth wards in the city of Chicago, in the county of Cook, shall constitute the Twenty-fifth district.

Twenty-sixth—The counties of McLean and Ford shall constitute the Twenty-sixth district.

Twenty-seventh—The Sixteenth ward, except that part bounded as follows: Beginning at the intersection of North avenue and Ashland avenue, and running west on the center line of North avenue to the center line of Robey street, thence running south along the center line of Robey street to the center line of Division street, thence running east along the center line of Division street to the center line of Ashland avenue, thence running north along the center line of Ashland avenue to the place of beginning, that part of the Seventeenth ward bounded as follows: Beginning at the intersection of Ashland avenue and Division street and running south along the center line of Ashland avenue to the center line of Augusta street, thence running east along the center line of Augusta street to the center line of Holt street, thence running south along the center line of Holt street to the center line of Cornell street, thence running east along the center line of Cornell street to the center line of Milwaukee avenue, thence running southeast along the center line of Milwaukee avenue to the center line of Green street, thence running south along the center line of Green street to the center line of Kinzie street, thence running east along the center line of Kinzie street to the north branch of the Chicago river, thence running northwest along the north branch of the Chicago river to the center line of Division street, thence running west along the center line of Division street to the place of beginning, and the Eighteenth ward, in the city of Chicago, in the county of Cook, shall constitute the Twenty-seventh district.

Twenty-eighth—The counties of Logan, DeWitt and Macon shall constitute the Twenty-eighth district.

Twenty-ninth—The Twenty-first ward, except that part thereof lying north of a line beginning at the intersection of Goethe and Sedgwick streets and running east along the center line of Goethe street to the center line of State street, thence running north along the center line of State street to the center line of Schiller street, and thence running east along the center line of Schiller street to Lake Michigan, and the Twenty-second ward, except that part thereof lying west of the center line of Halsted street, and except that part of said ward lying north and west of a line beginning at the intersec-

tion of North avenue and Sedgwick street and running south along the center line of Sedgwick street to the center line of Sigel street, thence running west along the center line of Sigel street to the center line of Cleveland avenue, thence running south along the center line of Cleveland avenue to the center line of Clybourn avenue, thence running in a northwesterly direction along the center line of Clybourn avenue to the center line of Larrabee street, thence running south along the center line of Larrabee street to the center line of Division street, and thence west along the center line of Division street to the center line of Halsted street, in the city of Chicago, in the county of Cook, shall constitute the Twenty-ninth district.

Thirtieth—The counties of Tazewell, Mason, Menard, Cass, Brown and Schuyler shall constitute the Thirtieth district.

Thirty-first—That part of the Twenty-first ward lying north of a line beginning at the intersection of Goethe and Sedgwick streets and running east along the center line of Goethe street to the center line of State street, thence running north along the center line of State street to the center line of Schiller street, and thence running east along the center line of Schiller street to Lake Michigan, all that part of the Twenty-second ward lying west of the center line of Halsted street and that part of the Twenty-second ward lying east of the center line of Halsted street and north of a line beginning at the intersection of Halsted and Division streets and running east along the center line of Division street to the center line of Larrabee street, thence running north along the center line of Larrabee street to the center line of Clybourn avenue, thence running in a southeasterly direction along the center line of Clybourn avenue to the center line of Cleveland avenue, thence running north along the center line of Cleveland avenue to the center line of Sigel street, and thence running east along the center line of Sigel street to the center line of Sedgwick street, that part of the Twenty-third ward lying east of the center line of Halsted street, and that part of the Twenty-fifth ward lying south of the center line of Devon avenue, all in the city of Chicago, in the county of Cook, shall constitute the Thirty-first district.

Thirty-second—The counties of McDonough, Hancock and Warren shall constitute the Thirty-second district.

Thirty-third—The counties of Rock Island, Mercer and Henderson shall constitute the Thirty-third district.

Thirty-fourth—The counties of Douglas, Coles and Clark shall constitute the Thirty-fourth district.

Thirty-fifth—The counties of Whiteside, Lee and DeKalb shall constitute the Thirty-fifth district.

Thirty-sixth—The counties of Scott, Calhoun, Pike and Adams shall constitute the Thirty-sixth district.

Thirty-seventh—The counties of Henry, Bureau and Stark shall constitute the Thirty-seventh district.

Thirty-eighth—The counties of Greene, Montgomery, Jersey and Macoupin shall constitute the Thirty-eighth district.

Thirty-ninth—The county of LaSalle shall constitute the Thirty-ninth district.



Fortieth—The counties of Christian, Shelby, Fayette and Cumberland shall constitute the Fortieth district.

Forty-first—The counties of DuPage and Will shall constitute the Forty-first district.

Forty-second—The counties of Clinton, Marion, Clay and Effingham shall constitute the Forty-second district.

Forty-third—The counties of Knox and Fulton shall constitute the Forty-third district.

Forty-fourth—The counties of Washington, Randolph, Perry, Monroe and Jackson shall constitute the Forty-fourth district.

Forty-fifth—The counties of Morgan and Sangamon shall constitute the Forty-fifth district.

Forty-sixth—The counties of Jefferson, Wayne, Richland and Jasper shall constitute the Forty-sixth district.

Forty-seventh—The counties of Madison and Bond shall constitute the Forty-seventh district.

Forty-eighth—The counties of Hardin, Gallatin, White, Edwards, Wabash, Lawrence and Crawford shall constitute the Forty-eighth district.

Forty-ninth—The county of St. Clair shall constitute the Forty-ninth district.

Fiftieth—The counties of Franklin, Williamson, Union, Alexander and Pulaski shall constitute the Fiftieth district.

Fifty-first—The counties of Hamilton, Saline, Pope, Johnson and Massac shall constitute the Fifty-first district.

2. WARD DEFINED.] [§ 153, Ch. 46, R. S.] Whenever the words “ward” or “wards,” or “street” or “streets” or “avenue” or “avenues,” or “boulevard” or “boulevards,” and all other boundary lines of whatever name or description, in the city of Chicago, are used in this act, they shall be construed as meaning the ward or wards, and street or streets, and avenue or avenues, and boulevard or boulevards, or other proper description, as existing in the said city at the time of the passage of this act.

3. REPEAL.] [§ 154, Ch. 46, R. S.] An act entitled, “An act to apportion the State of Illinois into senatorial districts, and to repeal certain acts therein named,” approved June 15, 1893, in force July 1, 1893, and an act entitled, “An act to amend sections 1 and 2 of an act to apportion the State of Illinois into Senatorial districts, and to repeal certain acts therein named,” approved January 11, 1898, in force July 1, 1898, and all acts and parts of acts in conflict herewith are hereby repealed.

## ARTICLE XVII.

### JUDICIAL APPORTIONMENT.

#### *Supreme Court.*

1. DISTRICTS.] [§ Art. VI of Constitution.] The State shall be divided into seven districts for the election of judges, and until otherwise provided by law they shall be as follows:

First District—The counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski and Massac.

Second District—The counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun, Christian, Pike and Scott.

Third District—The counties of Sangamon, Macon, Logan, DeWitt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie and Tazewell.

Fourth District—The counties of Rock Island, Mercer, Warren, Henderson, Fulton, McDonough, Hancock, Adams, Schuyler, Brown, Mason, Menard, Morgan and Cass.

Fifth District—The counties of Knox, Henry, Stark, Peoria, Marshall, Putnam, Bureau, LaSalle, Grundy and Woodford.

Sixth District—The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, DeKalb, Lee and Ogle.

Seventh District—The counties of Lake, Cook, Will, Kankakee and DuPage.

The boundaries of the district may be changed at the session of the General Assembly next preceding the election for judges therein, and at no other time; but whenever such alteration shall be made the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not effect the tenure of office of any judge.

### *Appellate Courts.*

2. DISTRICTS.] [§§ 1 and 18, Ch. 37, R. S. 1895.] There are hereby created four appellate courts in this State, to be called the appellate courts in and for the districts hereby created:

First District—The county of Cook.

Second District—The counties of Boone, Bureau, Carroll, DeKalb, DuPage, Grundy, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Marshall, McHenry, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will, Winnebago and Woodford.

Third District—The counties of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Fulton, Greene, Hancock, Jersey, Logan, Macon, Macoupin, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell and Vermilion.

Fourth District—The counties of Alexander, Bond, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Madison,

Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson.

### *Circuit Courts.*

3. **CIRCUITS.]** [§ 73, Ch. 37, R. S.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in lieu of the circuit courts provided by law, and now existing, the State of Illinois, exclusive of the county of Cook, shall be and the same is hereby divided into judicial circuits, as follows:

First Circuit—The counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson and Saline.

Second Circuit—The counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence and Crawford.

Third Circuit—The counties of Randolph, Monroe, St. Clair, Madison, Bond, Washington and Perry.

Fourth Circuit—The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.

Fifth Circuit—The counties of Vermilion, Edgar, Clark, Cumberland and Coles.

Sixth Circuit—The counties of Champaign, Douglas, Moultrie, Macon, DeWitt and Piatt.

Seventh Circuit—The counties of Sangamon, Macoupin, Morgan, Scott, Greene and Jersey.

Eighth Circuit—The counties of Adams, Schuyler, Mason, Cass Brown, Pike, Calhoun and Menard.

Ninth Circuit—The counties of Knox, Warren, Henderson, Hancock, McDonough and Fulton.

Tenth Circuit—The counties of Peoria, Marshall, Putnam, Stark and Tazewell.

Eleventh Circuit—The counties of McLean, Livingston, Logan, Ford and Woodford.

Twelfth Circuit—The counties of Will, Kankakee and Iroquois.

Thirteenth Circuit—The counties of Bureau, LaSalle and Grundy.

Fourteenth Circuit—The counties of Rock Island, Mercer, Whiteside and Henry.

Fifteenth Circuit—The counties of JoDaviess, Stephenson, Carroll, Ogle and Lee.

Sixteenth Circuit—The counties of Kane, DuPage, DeKalb and Kendall.

Seventeenth Circuit—The counties of Winnebago, Boone, McHenry and Lake.

4. **ELECTION OF JUDGES—TERM.]** [§ 74, Ch. 37, R. S.] On the first Monday of June, A. D. 1897, there shall be elected in each of said circuits by the electors thereof by the general ticket, as provided by law for general elections, three judges of the circuit court, whose term of office shall be six years; and every six years thereafter there shall in like manner be elected in each of said circuits, three judges of the circuit court, whose term of office shall be as aforesaid.

5. TERMS OF COURT.] [§ 75, Ch. 37, R. S.] The terms of the circuit courts in the respective counties shall be held at the times and places now provided, or which may hereafter be provided by law.

6. REPEAL.] [§ 76, Ch. 37, R. S.] All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

## ARTICLE XVIII.

### PUBLICATION OF PROPOSITIONS TO BE VOTED FOR.

1. SECRETARY OF STATE TO PREPARE STATEMENT TO BE SUBMITTED TO ATTORNEY GENERAL.] [§ 9, Ch. 7a, R. S.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any constitutional amendment or other proposition required by law to be voted upon before its adoption, shall be submitted to the people, it shall be the duty of the Secretary of State to prepare a statement setting forth in detail the section or sections of the Constitution or law sought to be amended by said vote, together with such statements and suggestions as may be necessary for a proper understanding of said proposition, which said statements and suggestions shall be submitted to the Attorney General for his approval.

2. STATEMENT TO BE SENT TO EACH COUNTY CLERK.] [§ 10, Ch. 7a, R. S.] It shall be the duty of the Secretary of State, after said statements and suggestions shall have been approved by the Attorney General as provided in section 1 of this act, to certify to each county clerk, under seal, said statements and suggestions.

3. STATEMENT TO BE PUBLISHED AND POSTED.] [§ 11, Ch. 7a, R. S.] It is hereby made the duty of the county clerk to have the statements and suggestions mentioned in sections 1 and 2 of this act published and posted at the same time, in the same manner and at the same places that the sample ballots and instructions to voters are required by law to be posted.

## ARTICLE XIX.

### SUBMISSION OF QUESTIONS OF PUBLIC POLICY.

1. PETITION—DUTY OF ELECTION OFFICERS.] [§ 428, Ch. 46, R. S.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That on a written petition signed by 25 per cent of the registered voters of any incorporated town, village, city, township, county or school district; or 10 per cent of the registered votes [voters] of the State, it shall be the duty of the proper election officers in each case to submit any question of public policy so petitioned for, to the electors of the incorporated town, village, city, township, county, school district or State, as the case may be, at any general or special election named in the petition: *Provided*, such petition is filed with the proper election officers, in each case not less than sixty (60) days before the date of the election at which the ques-

tion or questions petitioned for are to be submitted: Not more than three propositions shall be submitted at the same election, and such propositions shall be submitted in the order of its filing.

2. FORM OF BALLOT.] [§ 429, Ch. 46, R. S.] Every question submitted to electors shall be printed in plain, prominent type, upon a separate ballot, in form required by law, the same as a constitutional amendment or other public measure proposed to be voted upon by the people.

## ARTICLE XX.

### VOTING MACHINES—USE AUTHORIZED.

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| <p>§ 1. Submission of proposition to adopt machines—discontinuance of use—voting machine commissioners shall approve machines before adoption—capabilities of machines prescribed.</p> <p>§ 2. Machines must meet requirements specified.</p> <p>§ 3. Voting machine commissioners—constitution of the board.</p> <p>§ 4. Experimental use of machines before adoption.</p> <p>§ 5. Payment for machines provided for.</p> <p>§ 6. Reapportionment of election precincts.</p> <p>§ 7. Care and custody of machines.</p> <p>§ 8. Requirements for room where machine is used—manner of voting.</p> <p>§ 9. Assistance to certain voters.</p> <p>§ 10. Instructions to voters.</p> <p>§ 11. "Ballot label" defined and form prescribed.</p> | <p>§ 12. Sample ballot labels—display of.</p> <p>§ 13. Sets of ballot labels shall be provided—adjustment of machine before use—posting of ballot labels and instruction cards—irregular ballots provided for.</p> <p>§ 14. Voting for presidential electors.</p> <p>§ 15. Locking machine at close of polls—opening of counting compartment.</p> <p>§ 16. Canvassing vote and making returns—locking the counting compartment.</p> <p>§ 17. Disposition of the keys.</p> <p>§ 18. Recording device on machines.</p> <p>§ 19. Tampering with machine by one not an election officer a felony—penalty.</p> <p>§ 20. Tampering with machine by election officers a felon—penalty.</p> <p>§ 21. Penalty for any violation of act.</p> <p>§ 22. Repeal.</p> |
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*AN ACT to provide for the use of voting machines at elections, for casting, registering, recording and counting ballots or votes; also creating a board of voting machine commissioners, and defining its duties.* [Approved May 14, 1903. Laws 1903, p. 178.]

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That any body or board of public officials, or any officer or officers charged by law with the duty of providing material and supplies for holding an election or elections in any city, village, incorporated town, county, precinct, election district or other civil division of the State, may, at any general or special election, submit a proposition to the qualified voters thereof to adopt a voting machine or voting machines; and, whenever a majority of the electors of any such city, village incorporated town, county, precinct, election district or other civil division voting upon said proposition shall have declared therefor, may purchase or lease a voting machine or voting machines for any or all of the election

precincts for which he, it or they are by law charged with the duty of providing material and supplies for holding an election or elections at the expense of the city, village, incorporated town, county, precinct, election district or other civil division of the State now chargeable by law with the expenses of the material and supplies for holding general elections in such civil division or divisions. If the question of using a voting machine or voting machines be not submitted to the voters by the proper public officials, a petition, signed by ten per cent of the voters of any city, village, incorporated town, county, precinct, election district or other civil division of the State and addressed to them at least sixty days before any general election asking the submission of the question of adopting a voting machine or voting machines, shall compel the submission of the question to the voters at that election. Use of such machines may be discontinued on resubmission of the question, and a vote in favor thereof at any subsequent election: *Provided, however,* that no such voting machine shall be used, purchased, leased or adopted until the board of voting machine commissioners hereinafter provided for, or a majority thereof, shall have made and filed a report certifying that they have examined such machine; that it affords each elector an opportunity to vote in absolute secrecy; that it enables each elector to vote a straight party ticket; that it enables each elector to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part from an independent nomination, and in part of persons not in nomination by any party or upon any independent ticket; that it enables each elector to vote a written or printed ballot of his own selection, for any person for any office for which he may desire; that it enables each elector to vote for all candidates for whom he is entitled to vote, and prevents him from voting for any candidate for any office more than once, unless he is lawfully entitled to cast more than one vote for one candidate, and in that event permits him to cast only as many votes for that candidate as he is by law entitled, and no more; that it prevents the elector from voting for more than one person for the same office, unless he is lawfully entitled to vote for more than one person therefor, and in that event permits him to vote for as many persons for that office as he is by law entitled, and no more; and that such machine will register correctly by means of exact counters every vote cast for the regular tickets thereon; and has the capacity to contain the tickets of seven political parties with the names of all the candidates thereon, together with all propositions to be voted upon, except that it may be so constructed that the names of all candidates for presidential electors will not occur thereon, but in lieu thereof, one ballot label in each party column or row shall contain only the words "Presidential Electors," preceded by the party name; that all votes cast on the machine on a regular ballot or ballots shall be registered; that voters may, by means of irregular ballots or otherwise, vote for any person for any office, although such person may not have been nominated by any party and his name may not appear on such machine; then

when a vote is cast for any person for any such office, when his name does not appear on the machine, the elector cannot vote for any name on the machine for the same office; that each elector can understandingly and within the period of one minute cast his vote for all candidates of his choice; that in case the machine is so constructed that the candidates for presidential electors of any party can be voted for only by voting for the ballot label containing the words "Presidential Electors," by voting an irregular ticket as hereinafter defined, the elector may vote for any person or persons he may choose for presidential electors; that the machine is provided with a lock or locks by the use of which any movement of the voting or registering mechanism is absolutely prevented so that it cannot be tampered with or manipulated for any fraudulent purpose; that the machine is susceptible of being closed during the progress of the voting so that no person can see or know the number of votes registered for any candidate: *Provided also*, that no such machine or machines shall be purchased, unless the party or parties making the sale shall guarantee in writing to keep the machine or machines in good working order for five years without additional cost, and shall give a sufficient bond conditional to that effect.

§ 2. The voting machine or machines to be used, adopted, leased or purchased as herein provided, must be so constructed as to meet all requirements specified in this act.

§ 3. The Secretary of State and two persons appointed by the Governor, who shall be mechanical experts and not members of the same political party, shall constitute a board of voting machine commissioners. Their term of office shall be four years, except that the commissioners appointed by the Governor shall be subject to removal at his pleasure, and that any Secretary of State on surrendering the duties of his office shall be succeeded on the board by the succeeding Secretary of State. If the office of Secretary of State for any reason shall become vacant, the Attorney General of the State shall be a member of the board until the office of Secretary of State is filled. No member of the board shall have any interest in any voting machine. Any person or corporation owning or being interested in any voting machine may apply to said board to examine such machine and report on its accuracy, efficiency, capacity and safety. The commissioners shall examine the machine and make full report thereon, in the office of the Secretary of State. They shall state in the report whether or not the kind of machine so examined complies with the requirements of this act, and can be safely used by voters at elections under the conditions prescribed in this act. If the report be in the affirmative upon said questions the machine shall be deemed approved by the board, and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved any improvement or change that does not impair its accuracy, efficiency, capacity or safety shall not render necessary a re-examination or re-approval thereof. Any form of voting machine not so approved cannot be used at any elections. Each of the two mechanical experts on the board shall be entitled to one hun-

dred dollars (\$100) for his compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination, which sum may be demanded in advance of making the examination and which shall be the sole compensation to be received by any such expert. The board may, if it consents to do so, go to any point in the State for the purpose of examining a machine, but it shall not be compelled to make such examination at any place other than the capital of the State: *Provided*, that each of the two commissioners appointed as mechanical experts shall not receive and retain to exceed fifteen hundred dollars (\$1,500) and reasonable expenses in any one year, and all sums collected for such examinations, over and above said maximum salaries and reasonable expenses, shall be turned into the State treasury.

§ 4. The authorities of any city, village, incorporated town, county, precinct, election district or other civil division authorized by section 1 of this act to adopt a voting machine or voting machines, may provide for the experimental use, at any election or elections, in one or more election precincts, of a machine which it might lawfully adopt, without a formal adoption thereof, and its use at such elections shall be as valid for all purposes as if it had been lawfully adopted.

§ 5. The local authorities, on the adoption and lease or purchase of a voting machine or voting machines, may provide for the payment thereof in such manner as may be deemed for the best interest of the city, village, incorporated town or county. They may for that purpose make leases, issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the city, village, incorporated town or county. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.

§ 6. For any election in any city, village, incorporated town, county, election district or other civil division in which voting machines are to be used, the election precincts in which such machines are to be used may be created by the officers charged with the duty of creating election precincts so as to contain as near as may be six hundred voters each. Such redistricting or redivision shall be made under such regulation as to time and manner as are now provided by law. Thereafter, so long as voting machines are used, no redivision of such election precinct shall be made until at some general election the number of votes cast in one or more of such precincts shall exceed seven hundred.

§ 7. The local authorities adopting a voting machine or voting machines, shall, as soon as practicable thereafter, provide for each polling place a voting machine in complete working order, and shall thereafter preserve and keep it in repair, and shall have the custody thereof, and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply each election precinct with a voting machine at the election following such adoption, as many may be supplied as it is practicable to



procure and the same may be used in such election precinct or precincts within the city, village, incorporated town, county, election district or other civil division, as the officers adopting the same may direct.

§ 8. The room in which the election is held shall have a railing separating the part of the room occupied by the judges and clerks of election from that part of the room occupied by the voting machine. The exterior of the voting machine, and every part of the polling place shall be in plain view of the election officers. The voting machine shall be placed at least three feet from every wall and partition of the polling place, and at least four feet from any election officer or table used by them, and it shall be so placed that no person on the opposite side of the railing can see or determine from the outside of the room how the voter casts his vote. After the opening of the polls, the election judges shall allow no person to pass within the railing to the part of the room where the machine is situated, except for the purpose of voting, except as is provided in the next succeeding section of this act; and they shall not permit more than one voter at a time to be in such part of the room. They shall not themselves remain, or permit any other person to remain in any position, or near any position that would permit one to see or ascertain how a voter votes, or how he has voted. No voter shall remain within the voting booth or compartment longer than one minute, and if any voter shall refuse to leave after the lapse of that time, he shall at once be removed by the election officers, or upon their order.

§ 9. Any voter who may declare upon oath that he cannot read the English language, or that by reason of physical disability he is unable to use the voting machine, shall, upon request, be assisted by two of the election officers of different parties to be selected from the judges and clerks of the precinct in which they are to act, to be designated by the judges of election at the opening of the polls. Such officers, in the voter's presence and in the presence of each other, shall register his vote upon the machine for the candidates of his choice, and shall thereafter give no information regarding the same. The clerks of election shall enter upon the poll list after the name of any elector who received such assistance in registering his vote, a memorandum of the fact. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in registering his vote.

§ 10. In case any elector after entering the voting machine booth shall ask for further instructions concerning the manner of voting, two judges of opposite political parties shall give such instructions to him; but no judge or other election officer, or person assisting an elector, shall in any manner request, suggest or seek to persuade, or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. After receiving such instructions, such elector shall vote as in the case of an unassisted voter.

§ 11. That portion of cardboard, paper or other material placed on the front of the machine and containing the names of the candi-

dates, or a statement of the proposed constitutional amendment or other question or proposition to be voted on, shall be known in this act as a ballot label. The ballot label shall be supplied by the official or officials charged by law with providing material for the holding of an election or elections, and shall be printed in black ink on clear white material of such size as will fit the machine, and in plain, clear type, as large as the space will reasonably permit. The party name or other designation shall be prefixed to the list of candidates of such party. The order of the lists of candidates of the several parties shall be arranged as is now provided by law, except that the lists may be placed in horizontal rows or vertical columns, which parties may, if desired, be divided into parallel and contiguous rows or columns, and except that where presidential electors are to be voted for at any election, and the machine to be used will not carry the names of all candidates for such electors, then there may be placed on the ballot label the words "Presidential Electors," under the name of each political party.

§ 12. The officers or board charged with the duty of providing ballots and ballot labels for any polling place shall provide therefor two sample ballot labels, which shall be arranged in the form of a diagram, showing the entire front of the voting machine as it will appear after the official ballot labels are arranged for voting on election day. Such sample ballot labels shall be displayed for public inspection at such polling place during the day preceding election day.

§ 13. Four sets of ballot labels for use in the voting machine shall be provided for each polling place for each election by the officer or officers now charged by law with the duty of furnishing such election precincts with ballots. In such manner shall be furnished, also, all other necessary material for the use of the voting machines. The same officer or officers shall, before the day of election, cause the proper ballot labels to be put upon each machine corresponding with the sample ballot labels herein provided for, and the machine in every way to be put in order, set and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same they may employ one or more competent persons, and cause him or them to be paid in the same manner as other election officers are paid. And the same officer or officers shall cause the machine so labeled in order, set and adjusted, to be delivered at the voting precinct, together with all necessary furniture and appliances that go with the same, in the room where the election is to be held in the precinct, not later than 6:00 o'clock, p. m. of the day preceding the election. After the delivery of the machine, and on the same day, the judges and clerks of election of the precinct may meet at said room, open the package containing the sample ballots, and if necessary the ballot labels, and see that the machine is correctly labeled, set and adjusted ready for use in voting; and if the same is not so labeled, set and adjusted and in order, they shall cause it to be done. On the

morning of the election, the election officers shall meet in the said room at least one hour before the time for opening the polls. They shall see that the sample ballot labels and instruction cards are posted properly, and everything put in readiness for the voting at the hour of opening the polls. The officers shall compare ballot labels on the machine with the sample ballots, see that they are correct, examine and see that all the counters in the machine are set at naught or zero (0), and that the machine is otherwise in perfect order, and they shall not thereafter permit the counters to be operated or moved except by electors in voting, and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine.

§ 14. Ballots voted for any person whose name does not appear on the ballot label on the machine as a candidate for office, are herein referred to as irregular ballots. In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of the names of persons so in nomination and partially of persons not in nomination by any party. Such irregular ballots shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose.

§ 15. As soon as the polls are closed, the voting machine shall be locked against voting, and the counting compartment opened in the presence of all the judges and clerks of election, and all other persons who may be lawfully within the room, giving full view of the numbers announcing the votes cast for each candidate, and for and against the various constitutional amendments, questions or other propositions.

§ 16. The election officers shall then ascertain the number of votes which the candidates have received both on the machine and by the voting of irregular ballots, if any, and one of the judges shall publicly announce in a distinct voice the total vote for each candidate thus ascertained in the order of the offices as their titles are arranged on the ballot label. He shall then announce in the same manner the vote on each constitutional amendment, proposition or other question. Before leaving the room and before closing and locking the counting compartment, the election officers shall make and sign written statements or returns of such election, as now required by law. When irregular ballots have been voted, they shall be returned, preserved and finally destroyed as is now provided by law in the case of other election ballots. The written statements or returns so made, after having been properly signed, shall be distinctly and clearly read in the hearing of all persons present, and ample opportunity shall be given to compare the results so certified with the counter dials of the machine. After such comparison and correction, if any is made, the election officers shall then close the counting compartment and lock the same. Thereafter the machine shall remain locked for a period of at least thirty days, unless otherwise ordered by a court of competent jurisdiction.

§ 17. When the machine is locked at the close of an election in the manner required by this act, the judges shall place all keys of the machine on a single piece of flexible wire; unite the ends of such wire in a firm knot, label the same with the make and number of the machine and the precinct at which it was used at such election, and return such keys along with the written statements or returns of such election.

§ 18. A voting machine which possesses all the qualities required by this act, may be supplied in addition with any recording device on which all the votes registered on the mechanical counters will be separately recorded. When a machine is supplied with such device, the same shall not be taken out or examined by the election officers who make the return from the precinct, but such machine shall be locked with such device therein, and so remain for a period of at least thirty days, unless within that time the machine shall be ordered opened by some court of competent jurisdiction. At the end of thirty days, such device may be taken out, unless otherwise ordered by a court of competent jurisdiction.

§ 19. Any person, not an election officer or other public officer, who shall tamper or attempt to tamper with such voting machine or voting machines, or in any way intentionally impair or attempt to impair its use, and any such person who shall be guilty of or shall attempt any dishonest practice upon any such machine, or with or by its use, shall be deemed guilty of a felony, and shall be punishable by a fine of from \$100 to \$1,000, or by imprisonment for a term of from one to five years, or by both fine and imprisonment.

§ 20. Any clerk or judge of an election, or any other public officer authorized to take part in the holding of an election or in preparing for an election, who, with intent to cause or permit any voting machine to fail to register correctly all votes cast thereon; who tampers with, or disarranges such machine in any way, or any part or appliance thereof, or who causes or consents to said machine being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted so that it will correctly register all votes cast thereon; or who, with the purpose of defrauding or deceiving any voter, or of causing it to be doubtful for what ticket or candidate or candidates or proposition any vote is cast, or of causing it to appear on said machine that votes cast for one ticket, candidate or proposition, were cast for another ticket, candidate or proposition, removes, changes or mutilates any ballot label on said machine or any part thereof, or does any other thing intended to interfere with the validity of the election, shall be deemed guilty of a felony, and, upon conviction, shall be imprisoned in the State prison not less than one year nor more than ten years, to which may be added a fine not exceeding \$1,000.

§ 21. Any public officer, or any election officer upon whom any duty is imposed by this act, and who shall wilfully omit or neglect to perform such duty, or who shall do any act prohibited herein for which punishment is not otherwise provided herein, shall, upon conviction, be imprisoned in the State prison for not less than one year

nor more than ten years, or be fined in any sum not exceeding \$1,000, or may be punished by both such imprisonment and fine.

§ 22. All the provisions of the election law, not inconsistent with this act, shall apply to all the elections in the precincts where such voting machines are used. Any provisions of law which conflict with the use of such machine or machines as herein set forth, shall not apply to the precinct or precincts in which an election is conducted by the use of such machine or machines.

Approved May 14, 1903.

## ARTICLE XXI.

### PRIMARY ELECTIONS.

(The Primary Law of 1905.)

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|--|---|
| § 1. What candidates shall be nominated at primaries—judicial candidates excepted. | § 24. Names on ballot.                                    |
| § 2. Nominations by petitions authorized.  | § 25. Method of voting.                                   |
| ✓ § 3. Political party defined.  | § 26. Form of ballot.                                     |
| § 4. Primary precinct defined.   | § 27. Form of ballot continued.                           |
| § 5. Primary elections—when and where held.  | § 28. Opening of polls.                                   |
| § 6. County central committee—action before each primary election.                 | § 29. Ballot boxes shall be opened.                       |
| § 7. County conventions—when held.   | § 30. Who may vote.                                       |
| § 8. Notice of election.   | § 31. Manner of voting.                                   |
| § 9. Judges of election.   | § 32. Affidavit of challenged voter—affidavit of witness. |
| § 10. Judges to fill vacancies.  | § 33. Marking the ballot.                                 |
| § 11. Oath of judges.  | § 34. Depositing the ballot.                              |
| § 12. Administration of oath to judges.  | § 35. Assistance to voter.                                |
| § 13. Duties of judges.  | § 36. No adjournment permissible.                         |
| § 14. Payment of judges.   | § 37. Canvassing of vote.                                 |
| § 15. Challengers.   | § 38. How canvass shall be conducted.                     |
| § 16. Section 21, act of 1891 applies.   | § 39. Tally sheets—how certified—registry poll books.     |
| § 17. Ballot boxes.  | § 40. Stringing of ballots.                               |
| § 18. Election supplies.   | § 41. Completion of canvass.                              |
| § 19. Registry poll book—form prescribed.  | § 42. Certificates of judges.                             |
| § 20. Tally sheet—form prescribed.   | § 43. Precinct committeemen—term of office.               |
| § 21. Declaration of candidate—form prescribed.                                    | § 44. Judges shall issue credentials.                     |
| § 22. Candidate for Governor—form of declaration—United States Senator.            | § 45. Form of credentials.                                |
| § 23. Congressional and legislative candidates—form of declaration.                | § 46. County conventions—organization of.                 |
|  | § 47. County convention—proceedings regulated.            |
|  | § 48. Primary ballots—how certified.                      |

*This Primary Election Law was declared unconstitutional by the Illinois Supreme Court April 5th, 1906.*

*This Primary Election Law was declared unconstitutional by the Illinois Supreme Court*

- § 49. Tabulation of returns.
- § 50. Primary election contest regulated.
- § 51. State conventions, when held—senatorial conventions, when held—congressional conventions, when held.
- § 52. Candidates must comply with provisions of act—vacancies on ticket, how filled.
- § 53. Delegates present shall cast full vote.
- § 54. Challenging vote in convention.
- § 55. Delegates to State convention, how elected.
- § 56. Nomination of Governor.
- § 57. Nomination of congressional candidates.
- § 58. Nomination of legislative candidates.
- § 59. Release from instructions.
- § 60. Sale of liquor, penalties.
- § 61. Special elections.
- § 62. Vacancies on ticket.
- § 63. No voting by proxy.
- § 64. Duty of grand jury.

APPLICABLE IN COOK COUNTY.

- § 65. Following sections apply to Cook county only.
- § 66. Different conventions defined—where held.
- § 67. Primary elections, when held.
- § 68. Who may hold—call for primary.
- § 69. Signing of call—filing.
- § 70. Notice of election.
- § 71. Election precincts, how constituted.
- § 72. Appointment of judges and clerks—oath.
- § 73. General election laws apply.
- § 74. Expense of primaries—how defrayed.
- § 75. Pay of judges and clerks.
- § 76. Who may vote.
- § 77. Qualification of delegates.
- § 78. Nomination of Governor—form of declaration—United States Senator.
- § 79. Congressional and legislative candidates.
- § 80. Compliance with act required.
- § 81. Section 21, act of 1891 applies.
- § 82. Marking the ballot.
- § 83. Nomination of Governor.
- § 84. Nomination of congressional, senatorial and municipal candidates.
- § 85. Manner of voting.
- § 86. Opening and closing of polls.
- § 87. Exhibition of ballot box.
- § 88. Form of poll book.
- § 89. Duties of judges and clerks.
- § 90. Challengers.
- § 91. Policemen at polls.
- § 92. Further powers of judges.
- § 93. Canvassing the vote.
- § 94. No adjournment permissible—declaration of result.
- § 95. Certificates of judges—when convention shall be held.
- § 96. Special elections.
- § 97. Penalties.
- § 98. Refusal to canvass vote.
- § 99. Making false canvass or false return.
- § 100. Refusal to sign certificate.
- § 101. Absence of judge or clerk from polls.
- § 102. Wrongful exclusion of vote.
- § 103. Certain acts declared felonies.
- § 104. Other violations of act.
- § 105. Other violations declared felonies.
- § 106. Other violations declared misdemeanors.
- § 107. Other misdemeanors.
- § 108. Other misdemeanors.
- § 109. Other misdemeanors.
- § 110. Other misdemeanors.
- § 111. Other misdemeanors.
- § 112. Other misdemeanors.
- § 113. Other misdemeanors.
- § 114. Certain violations declared felonies.
- § 115. Violations not enumerated in act.
- § 116. Penalty for misdemeanor—penalty for felonies.
- § 117. Householder defined.
- § 118. Prosecutions under this act.
- § 119. Irregularities in mode of call, etc.—when act becomes effective.
- § 120. Repeal.

AN ACT to provide for the holding and regulation of primary elections.  
*Approved May 18, 1905. Laws 1905, p. 213.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter the nomination for candidates for Governor, Representative in Congress, Members of the General Assembly, all county officers and all officers of any city, village or incorporated town organized under any general or special act of this State, by all political parties as defined in this act shall be made by means of a primary election under the provisions hereof. This act shall not apply to cities, villages or incorporated towns having a population of less than 1,000, as ascertained by the last preceding Federal census: *Provided, further,* this act shall not apply to the nominations of candidates for judges of the Supreme and circuit courts, to county commissioners in counties not under township organization.

§ 2. Nothing in this act contained shall be construed to prevent nomination of candidates for any office or offices by petition, by any party as herein [therein] defined, pursuant to the provisions of sections 4, 5 and 6 of an act entitled "An act to provide for the printing and distribution of ballots at public expense, and for the nomination for candidates for public office, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891: *Provided,* that the petition for such nomination shall be filed with the proper officers on or before 12 o'clock, noon, of the day previous to the day fixed for the primary election under the provisions of this act.

§ 3. A political party under the provisions of this act shall be held to mean a party which, at the last preceding presidential election, cast for its candidates for electors at least ten per cent of the total votes cast at said election. No political party which, at the last preceding presidential election, cast for its candidates' presidential electors less than ten per cent of the total vote of the State shall be allowed to place the names of its candidates, or any of them, upon any primary ballot.

§ 4. Each election precinct now established, or which may hereafter be established, for the purpose of a general election, shall constitute a primary district under this act: *Provided,* that where an election precinct is or hereafter may be divided into election districts, each election district shall constitute a primary district under this act.

§ 5. A primary election, under this act, shall be held in each primary district, at the regularly established place for holding general elections, on the last Saturday, in April, A. D. 1906, and on the last Saturday in April every two years thereafter, except that the primaries for cities, villages and incorporated towns shall be held on the first Saturday of March in the years in which their officers are to be elected. The polls of said primary election shall be open from 12 m. o'clock to 7 p. m. o'clock.

§ 6. At least thirty days before a primary election, the county central committee of each political party shall hold a meeting, a notice

of which shall be sent to each member of said committee at least one week prior to the date of said meeting. And at said meeting the said county central committee shall first determine whether or not the several county officers shall be nominated at the primary election, or by the delegates chosen at such primary to the county convention, but in case the names of all candidates for county offices shall be printed in a vertical column on the primary ballot and the candidate who shall receive the highest number of votes shall have the vote of all the delegates from the primary district as hereinafter provided, and if the said committee shall determine that said officers shall be nominated by primary ballot at such primary, they shall next determine whether said officers shall be nominated by a majority or plurality vote at such primary, and said committee shall also file in the county clerk's office of the respective county, a call for the county convention of its party. Said call shall state the time and place of holding the county convention, the offices for which candidates will be nominated at said primary; the total number of delegates which shall compose the convention, and the number of delegates to which each primary district will be entitled in the convention. And said call, if the county candidates are to be nominated at such primary, shall state whether the nominations for said county officers shall be made by a majority or plurality vote. The decision of said committee on the question of making the nominations at the primary election and whether by a majority or plurality vote shall be ascertained by a ye and nay roll call of the committee, which roll call shall be certified to by the chairman and secretary of the committee to the county clerk and filed with the call for such convention. No committeeman shall be permitted to name a proxy or to vote thereby, but every such committeeman, if unable to be personally present, shall notify the committee in writing how his vote shall be cast on the question of nominating by a majority or plurality vote at said primary; the chairman of the county committee shall publicly read and announce such vote of such absent committeeman and the same shall be recorded on roll call in like manner as those who are present, and said call shall be signed by the chairman and attested by the secretary of the county central committee. In case there shall be in any county of the State more than one county central committee claiming to be the regular committee, then, in that case, the county central committee that was selected by the nominating convention of 1904 and whose candidates were placed on the official ballot shall be recognized as the county central committee to make this call: *Provided*, that each primary district shall be entitled to at least one delegate to each county convention.

§ 7. All county conventions shall be held on the Thursday next following a primary election as herein provided.

§ 8. At least fifteen days before each primary election, the county clerk of each county, or the clerk of any city, village or incorporated town, as the case may be, shall prepare a printed or partly printed and partly written notice of such primary election for each primary district in his county, village, or incorporated town embraced in this



act, which notice shall state the time and place for holding the primary election, the hours during which the polls will be open, the offices for which candidates will be voted for at such primary election, the political parties entitled to participate therein, and the number of delegates which the primary district is entitled to in the county convention of each political party, and shall publish such notice in at least one newspaper (if there be one published in the territory where such primary election is held), and shall also mail two copies of said notice to each primary election judge. And it shall be the duty of the several primary election judges to post said notices in public and conspicuous places in their respective primary districts at least ten days before the primary election in all counties, cities, villages or incorporated towns, as herein provided. The clerk thereof shall prepare such primary election call in accordance with the requirements of this section.

§ 9. The judges of general elections in each election precinct and where an election precinct is divided into election districts, the judges of general elections in each election district shall be and are hereby constituted judges of primary elections in their respective primary districts. The judges of the county court of the several counties to which this act shall apply are hereby given power either in term time or vacation to hear and determine any complaints which may be made by the qualified voters of any county against any judge or judges of elections for violation of their duties imposed upon them and said judges are hereby vested with a general supervision and power over all primary election officers upon whom duties are imposed in order that the purposes of this act may be fully executed.

§ 10. If, at the time for the opening of a primary election, one of the primary judges be absent or refuses to act, the judges present shall appoint some qualified elector of the primary district to act in his place. If two of the primary judges be absent or refuse to act, the judge present shall fill the vacancies in the same manner as herein provided. If all three primary judges be absent or refuse to act, the primary electors present who reside in the primary district, shall select three of their number, not more than two of whom in any case shall be of the same political party, to act as primary judges. The judges so selected and appointed shall take the same oath, have the same powers, perform the same duties, and be subject to the same penalties as regularly constituted primary election judges.

§ 11. Previous to any votes being received the primary election judges shall severally subscribe and take an oath or affirmation in the following form, to-wit:

"I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States, and the constitution of the State of Illinois, and will faithfully and honestly discharge the duties of primary election judge according to the best of my ability, and that I have resided in this primary district for one year next preceding the primary election and am entitled to vote at this primary election."

All persons subscribing the oath as aforesaid, and all persons actually serving as primary election judges at any primary election, whether sworn in or not, shall be deemed to be and are hereby declared to be officers of the county court of their respective counties; and such persons shall be liable to punishment by such court in a proceeding for contempt for any misbehavior as such primary election judge, to be tried in open court on oral testimony, in a summary manner, without pleading; but such trial or punishment for contempt of court shall not be any bar to any criminal proceeding against such primary election judges for any violation of this act.

§ 12. In case there shall be no justice of the peace or notary public present at the opening of a primary election, or in case such justice of the peace or notary public shall be appointed one of the primary election judges, it shall be lawful for the primary election judges to administer the oath or affirmation to each other.

§ 13. The primary election judges except as otherwise provided in this act, shall perform the same duties, have the same powers, and be subject to the same penalties as judges and clerks of general elections, under the general election laws of this State.

§ 14. The primary election judges shall receive the same pay, and shall be paid by the same authorities and in the same manner as judges under general election laws of this State: *Provided*, all such election officers shall receive but one per diem each for their services as primary election officers.

§ 15. The judges of election shall permit each different ticket of delegates to be represented by a challenger, chosen by a majority of those named for delegates on any particular ticket. Said challengers shall be protected in the discharge of their duties by the judges of election and peace officers. Said challengers shall be permitted to remain within the polling place in such position as will enable them to see each person as he offers his vote and said challengers may remain within the polling place throughout the canvass of the vote and until the returns are signed. The challengers shall be permitted to remain so near that they can see the judges and clerks are faithfully performing their duties. All challengers shall be qualified primary electors in their respective districts and shall have the same powers as challengers at general elections.

§ 16. Section 21 of an "Act to provide for the printing and distribution of ballots at public expense and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, as amended by an act approved June 19, 1893, in force July 1, 1893, is hereby made applicable to primary elections held under the provisions of this act.

§ 17. Primary election ballot boxes shall be the same as those furnished and used for the general election purposes under the general election laws of this State.

§ 18. The county clerk of each county, or the clerk of any city, village or incorporated town shall furnish the primary election judges of each primary district all necessary supplies, including registry poll books and tally sheets.

§ 19. The registry poll books shall be substantially in the following form:

# REGISTRY POLL BOOK.

Of a Primary Election held in the.....Primary District of  
the.....of.....County of.....,  
State of Illinois, on the.....day of.....  
A. D.,.....

Number of votes.	Name of voter.	Residence.	Party affiliation.

This is to certify that the above and foregoing is a correct list of primary voters at a primary election held on the..... day of.....A. D....., in the..... Primary District,.....of....., County of....., State of Illinois. That at said primary election the undersigned judges served as required by law and are entitled to pay therefor.

.....

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*Judges of Primary Election.*

Dated....., 19....

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Said registry poll books shall otherwise be in form and shall contain the same certifications as nearly as may be as the poll books used in the regular elections, and shall be signed and attested in the same manner as nearly as may be, as poll books used for the purposes of regular elections.

§ 20. Tally sheets for each political party participating in the primary election in each primary district shall be furnished by the county clerk or the city, village or incorporated town clerk as aforesaid and shall be substantially in the following form:

"Tally sheets for.....(name of political party) for the..... primary district, in the .....of....., county of..... State of Illinois, for a primary election held on the.....day of .....A. D., 19...."

The names of the candidates shall be placed on the tally sheets of each political party by the primary clerks in the order in which they appear on the primary ballot. Sufficient blank spaces shall be left in said tally sheets for all candidates whether for primary committeemen or any offices.

§ 21. Any member of a political party desiring or intending to become a candidate for the nomination for a county office before the county convention of his party or for the nomination for any office in any city, village or incorporated town primary election, shall, not less than twenty days before the primary election next preceding said county convention, or the time now fixed by law for holding any municipal primary election, file in the county clerk's office of his county, or the office of the clerk of the city, village or incorporated town, a statement of his intention substantially in the following form:

"I.....of....., in the County of ..... and State of Illinois, certify that I am a member of and affiliate with the.....party, and I hereby declare my intention of becoming a.....(describe the office) candidate for the nomination for.....before the next.....county convention of.....County, and I hereby request that my name be placed upon the official primary ballot of said .....party.

....."

Each candidate for each county office, or any city, village or incorporated town office, provided for in this act of the respective parties shall also file a petition in the office of the county clerk or of the clerk of the city, village or incorporated town, containing at least five per cent of the lawful voters of the party in the district or territory in which he desires to be a candidate, to be based upon the last preceding presidential election.

§ 22. Any candidate for the nomination for Governor shall have his name printed on the primary ballot of his political party, in each county by filing in the office of the Secretary of State not less than thirty days before the primary election a written request substantially as follows:

"I.....of the county of....., in the State of Illinois, certify that I am a member of and affiliate with the .....party; that I am a candidate for the nomination for Governor before the next.....State convention of the State of Illinois and I hereby request that my name be placed upon the primary ballot of the..... party in each county for that office

....."

Any candidate for the nomination for United States Senator shall have his name printed on the primary ballot of his political party in each county by filing in the office of Secretary of State not less than thirty (30) days before the primary election a written request substantially in form as the foregoing request provided for by candidates for Governor. The vote upon such candidates for United States Senator shall be had for the sole purpose of ascertaining the sentiment of the voters in the respective parties. Each candidate for Governor and for United States Senator shall further file with the Secretary of State a petition signed by not fewer than 5,000 legal voters, members of the party in which he is a candidate for nomination. Not less than 25 days before the primary election the Secretary of State shall certify to the county clerk of each county the names of all candidates for nomination for Governor and United States Senator, together with their political affiliations, as specified in the written requests on file in his office. Each candidate for Governor and for United States Senator of the respective parties shall pay to the Secretary of State a filing fee of one hundred (100) dollars.

§ 23. Any candidate for the nomination of Representative in Congress or member of the General Assembly, shall have his name printed on the primary ballot of his party, in each county in his congressional or senatorial district, by filing in the county clerk's office of the county where such candidate resides and filing copies thereof in the other counties in said district not less than twenty (20) days before the primary election a written request substantially in the following form:

"I, ....., of the county of ....., in the State of Illinois, certify that I am a member of and affiliated with the ..... party; that I shall be a candidate for the nomination for ..... (describe office) before the next ..... convention of the ..... district of Illinois, and I hereby request that my name be placed upon the official primary ballot of the ..... party, in ..... county.  
....."

The candidates mentioned in this section shall pay the following fees: Each congressional candidate, \$100; each candidate for senator, \$50; each candidate for member of the House of Representatives, \$25; and fees shall be equally divided among the respective counties of the district: each candidate shall further file in the office of the Secretary of State a petition signed by at least five per cent of the voters in said district of his party cast at the last preceding presidential election for electors.

§ 24. No candidate for the nomination for any office shall have his name printed on any primary ballot except in the manner provided for in this act.

§ 25. The method of voting at a primary election shall be by ballot; which ballot shall conform to the requirements hereinafter made. The county clerk or the clerk in any city, village or incorporated town shall furnish paper at cost to any person or persons who may desire to use the same for primary election ballots at his own expense.

§ 26. The primary election ballot of each political party shall be separately printed upon paper of uniform quality, texture and size and in black ink, but no two party primary ballots shall be printed upon paper of the same color or tint. The county clerk or the clerk of any city, village or incorporated town shall publicly announce the color of the primary ballots of the respective parties at least fifteen (15) days before a primary election.

§ 27. The primary election ballot of each political party for each primary election district shall be arranged and printed substantially in the manner following:

1. At the top of the ballot shall be printed in large capital letters words designating the ballot. If a Republican ballot, the designating words shall be "Republican Primary Ballot." If a Democratic ballot, the designating words shall be "Democratic Primary Ballot," and in like manner of each political party, the number of primary district, location of polling place.

2. Beginning not less than one inch below the designating words, the name of each office to be filled shall be printed in capital letters in the following order, to-wit: United States Senator, Governor, congressional officers, senatorial officers, county officers. In city, village or incorporated towns the primary ticket shall have first printed one inch below the designating words the name of the office of mayor or president of the board of trustees, as the case may be, or other executive officer and following with the names of the other municipal officers in order which shall be arranged by the respective party committees of such municipality. Below the name of each office shall be printed in smaller capital letters the names of all candidates (alphabetically arranged according to surnames) for the nominations of said office which are entitled to be placed upon the respective party primary ballot. The names of all candidates upon the primary ballot shall be printed in type of uniform size and style and the names shall be printed in a vertical column. Immediately in front of and opposite the name of each candidate, shall be printed a square, and all squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates, for each office shall be uniform, and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office to avoid confusion.

3. The primary ballot containing the names of candidates to be voted for at such primary election, shall contain the names of all delegates to the county convention from such primary district and the names of candidates for primary committeemen. No primary ballot shall be used unless the same shall substantially comply with the requirements of this act, and any ballots not in accordance herewith shall be void for all purposes, and shall not be received, deposited or counted by any person or judge at any such primary election. No person shall be a primary committeeman or a delegate of any primary district who is not a duly qualified primary voter therein.

§ 28. Upon the opening of the polls, one of the primary election judges shall make the proclamation of the same, and at least thirty minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in half an hour.

§ 29. Before voting begins the primary ballot box shall be empty, and it shall be opened and shown to those present to be empty, after which it shall be locked and the key delivered to one of the primary judges, and it shall not be removed from public view from the time it is shown to be empty until after the close of the polls.

§ 30. No person shall vote at any primary election unless he be a male citizen of the United States of the age of 21 years or over or was an elector in this State on the first day of April in the year of our Lord, 1848, or obtained a certificate of naturalization before any court of record prior to the first day of January in the year of our Lord, 1870, and unless next preceding such primary election he has resided in the State of Illinois not less than one year, in the county in which such primary election is held not less than ninety days, and in the primary district in which such primary election is held not less than thirty days and unless further he declares his party affiliation as required by this act.

§ 31. Any person desiring to vote shall state his name, residence and party affiliation to the primary judges, one of whom shall thereupon announce the same in a distinct tone of voice sufficiently loud to be heard by those present in the polling place. If the person desiring to vote is not challenged, one of the primary judges may offer to him one ballot of each kind containing the names of candidates of the political party with which he declares himself affiliated. No person who refuses to state his party affiliation, or who shall have signed a nominating petition for an independent candidate or for a candidate of an opposing political party as now authorized by law shall be allowed to vote at a primary election.

The judges shall receive from any person or persons, and permit to be freely and equally exposed in separate and orderly piles, within the polling place, near the ballot box, and within reach of the voters, a sufficient supply of each of the various ballots provided for in this act, and shall, upon request, furnish to each and every person qualified to vote one of each of the primary ballots of the party with which such person declares himself affiliated.

§ 32. Whenever a person offering to vote at a primary election is challenged, the person so challenged shall make and subscribe an affidavit in the following form, which shall be presented to and retained by the primary judges, and returned by them with the registry poll books:

“State of Illinois,  
County of..... } ss.

I, ....., do solemnly swear (or affirm) 'that I am a citizen of the United States of the age of 21 years or over,' or 'that I was an elector on the first day of April, A. D., 1848,' or 'that I obtained a certificate of naturalization before a court of record in this

State prior to the first day of January, A. D., 1870,' as the case may be; that I have resided in this State one year, in this county ninety days, and in this primary district thirty days next preceding this primary election, and have not signed any nominating petition; that I now reside at .....(insert street and number, if any) in this primary district, and have not voted at this primary election; that I am a member of and affiliate with the ..... party.

Subscribed and sworn to before me this .... day of .....  
A. D., .....  
.....”

### AFFIDAVIT OF WITNESS.

In addition to such affidavit, the person so challenged shall produce the affidavit of one householder of the primary district, who shall be a qualified voter at such primary election, and who shall be personally known or proved to the judges to be a householder in the primary district, which affidavit shall be in the following form:

“State of Illinois, }  
County of..... } ss.

I, ..... do solemnly swear that I am a householder of this primary district and entitled to vote at this primary election; that I am acquainted with ..... (name of party challenged), whose right to vote at this primary election has been challenged; that said ..... (name of party challenged) is an actual *bona fide* resident of this primary district, and has resided herein thirty days, and as I verily believe, in this county ninety days, and in this State one year next preceding this primary election; that I verily believe ..... (name of party challenged) is a member of and affiliating with the ..... party.

Subscribed and sworn to before me this .....  
day of ..... A. D., .....  
.....”

§ 33. The voter shall forthwith and without leaving the polling place retire to one of the voting booths and prepare his ballot, unless the same has been prepared prior to entering the booth, by making a cross “X” in the square in front of and opposite the name of each candidate of his choice for each office to be filled.

§ 34. Before leaving the booth the voter shall fold his ballot in such manner as to conceal the marks on such ballot. He shall then hand such ballot thus folded to one of the judges of election, who shall thereupon endorse his initials on the back of the ballot, so folded, and deposit the same ballot in the ballot box. The primary judges shall thereupon enter in the registry poll books the name of the voter, his residence and party affiliation.



§ 35. Any primary voter who shall declare upon oath that he cannot read the English language, or by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot in the same manner as is provided by the general election laws of this State.

§ 36. After the opening of the polls at a primary election, no adjournment shall be had nor recess be taken until all the votes cast at such primary election shall have been counted and canvassed.

§ 37. The votes shall be canvassed in the room or place where the primary election is held, and the primary judges shall not allow the ballot box or any of the ballots or the registry poll books or any of the tally sheets to be removed or carried away from such room or place until the canvass of the votes is completed and the returns carefully enveloped and sealed up. The candidates and challengers of each party shall have the right to be present during a canvass of the votes by the primary judges.

§ 38. Immediately upon closing the polls, the primary judges shall proceed to canvass the votes polled in the following manner:

1. They shall first count the whole number of ballots in the ballot box. If the total number of ballots exceed the number of names entered on the registry poll books, they shall carefully examine the ballots and reject those upon which the initials of a primary judge do not appear.

2. If the remaining ballots exceed the number of votes entered on the registry poll books, the judges of primary election shall proceed to ascertain the number of names entered on the registry poll books under each party affiliation.

3. The judges shall thereupon arrange the ballots of each political party in separate piles and count the ballots of each political party separately.

4. If the ballots of any political party exceed the number of names of voters of such political party entered on the registry poll books, the ballots of such political party shall be folded and replaced in the ballot box and the box closed and well shaken and again opened, and one of the judges, who shall be blindfolded, shall draw out so many of the ballots of such political party as shall be equal to such excess.

5. The primary judges shall then proceed to count the votes of each political party separately; and, as the primary judges shall open and read the ballots, each judge shall carefully and correctly mark down upon the tally sheets the votes which each candidate of the respective party whose name is printed or written on the ballot has received, in a separate column prepared for that purpose, with the name of such candidate, delegate, committeeman, etc., the name of his political party, and the name of the office to be filled at the head of such column.

§ 39. As soon as the ballots of a political party have been read and the votes of said political party counted, as provided herein, the clerks shall foot up the tally sheets so as to show the total number of votes cast for each candidate of said political party, including the candidates for primary committeemen and delegates to the county convention, and the total number of votes cast by said political party and certify the same to be correct, and shall also deliver the same to the county clerk. Thereupon the judges shall set down in the registry poll books, under the name of said political party, the name of each candidate voted for, written at full length, the title of the office to be filled, the total number of votes which said candidate received, and the total number of votes cast by said political party at said primary election, and the judges shall certify the same to be true and correct; said entry in the registry poll books to be made substantially in the following form:

.....(Name).....Party.

"At the primary election held in this primary district on the..... day of.....A. D., 19...., the respective candidates whose names were written or printed on the primary ballot of said..... party, received respectively the following votes:

Name of Candidate.	Title of Office.	Number of votes.
John Smith.....	Governor.....	100
Samuel Jones.....	Governor.....	70
Frank Martin.....	County Clerk.....	150
William Preston.....	County Clerk.....	200
Thomas Johnston.....	Primary Committeeman.....	70
Frederick Johns.....	Primary Committeeman.....	60

(And so for each delegate.)

Total number of votes cast by said.....party.....

We hereby certify the above and foregoing to be true and correct.

Dated.....

.....  
 .....  
 .....

*Primary Judges."*

§ 40. After the votes of a political party shall have been counted and set down, the tally sheets footed and the entry blank made in the registry poll books, as above provided, and the ballots of said political party shall be strung separately upon a strong thread, wire or twine in the order in which they have been read, and shall thereupon be care-

fully sealed up in an envelope, which envelope shall be endorsed as follows: "Primary ballots of .....(name) party of the .....primary district, in the.....of .....county of.....and State of Illinois," below which endorsement each one of the judges shall write his name.

§ 41. The judges shall continue until all the votes of each and every political party shall have been counted, set down, the sheets footed, the endorsements made, and the ballots strung and sealed up, as herein provided.

§ 42. The primary judges shall make out, upon forms to be furnished by the county clerk, or by the clerk of any city, village or incorporated town, and within twenty-four hours after the canvass has been completed, deliver a certificate of election to the candidate for primary committeeman of each political party receiving the highest number of votes of his respective party for that office; which certificate shall show the total number of votes cast by the respective party in the primary district for each candidate for primary committeeman. In case of a tie of such vote, the judges shall cast lots to determine who shall be committeeman. The county clerk of each county or the clerk of any city, village or incorporated town shall cause to be delivered the names of all primary committeemen of the respective parties, so elected, to the secretary of the county committee or the secretary of the city, village or incorporated town committee of the respective parties not later than 9 o'clock a. m. of the Wednesday next following a primary election.

§ 43. The term of office of each precinct or district committeeman elected shall be for the two years next succeeding the date of his election. The committeemen of each party elected within each county or within each city, village or incorporated town shall constitute the county, city, village or incorporated town committee of such party, who shall within ten days after their election select a chairman and such other officers of the committee as they may determine. The number of committee members for each county on a congressional or senatorial committee shall be determined and selected by the delegates to the congressional or senatorial conventions, respectively. Such congressional and senatorial committeemen; shall within ten (10) days after the first congressional and senatorial conventions held in their respective districts after their election, select a chairman of their respective committees and such other officers as they may determine. The county committee and its officers of any county constituting a senatorial district, shall be the official committee of such senatorial district. Any vacancy occurring in any said committee shall be filled by the respective committee, provided any such vacancy shall be filled by a resident of the precinct, district or territory in which such vacancy occurs.

§ 44. Within twenty-four hours after the canvass has been completed, the primary judges shall issue credentials, forms for that pur-

pose to be furnished by the county clerk, to each one of the requisite number of candidates of each party for delegates to the county convention receiving the highest number of votes of their respective party. That is to say, where a political party in a primary district is entitled to one delegate, credentials shall be issued to the candidate of said party for the delegate receiving the highest number of said party's votes. Where a political party is entitled to three delegates, or to six delegates, to the county convention, credentials shall be issued to the three candidates, or to six candidates (as the case may be), and to each of them receiving the highest number of said party's votes. And in like manner, corresponding with the number of delegates to the county convention to which each political party of the primary district is entitled. In case of a tie, the judges shall cast lots to determine to what delegates credentials shall be issued. Said credentials shall state the total number of votes received by each candidate of his respective party in the primary district and also the name of each candidate of the respective party for each county office receiving the highest number of votes of his party in the primary district. Said credentials shall entitle the delegate named therein to a seat in the next ensuing county convention of the respective party.

§ 45. It is hereby made the duty of the county clerk of each county to furnish to the primary judges of each primary district, with the other election supplies, blank forms of credentials for delegates for each political party, the form to be substantially as follows:

".....Party.—Credentials.  
 Credentials of delegates of the.....party of the  
 .....in the county of.....  
 and State of Illinois, to the.....county convention of  
 .....county.

We hereby certify that at a primary election held in said primary district on the.....day of March, A. D. 19.....  
 (name of delegate), was duly elected a delegate to represent the  
 .....party of said primary district in the.....county  
 convention of said county and that said.....is a  
 duly elected and qualified delegate of the.....party of said  
 primary district and as such is entitled to a seat in the.....  
 county convention of said county, to be held at.....on  
 the.....day of March, A. D. 19.....

We further certify that at said primary election each candidate for delegate upon the primary ballot of the.....party, in said district received respectfully the following number of votes:

Name of Candidate for Delegate.	Number of Votes.
(Insert names.)	(Insert number of votes.)

We further certify that the following named candidates of said party for the following named county offices each received the following number of votes for his respective office at the primary election in said district:

Name of Candidate.	Votes Received.	Title of Office.

In witness whereof, we have hereunto set our hands this..... day of March, A. D. 19....

.....  
 .....  
 .....

*Primary Judges."*

§ 46. At the time and place designated in the call for the county convention, the chairman of the county central committee, who signed the call for the convention, shall call the convention to order. If neither the chairman or secretary are present, then some member of the county central committee shall call the same to order, and state the object of the convention; whereupon he shall announce that the first thing in order will be the election of a temporary chairman to preside over the said convention. No person other than a delegate shall be elected chairman of said convention, and the chairman shall be elected by a regular roll call by primary districts of the delegates present. After the election of the chairman, the convention shall proceed to elect the other officers of the convention.

§ 47. Upon the permanent organization of the county convention, it shall be the duty of the secretary thereof to ascertain, from the tabulated statement of the returns if any candidates for a county office has received a majority of all votes cast by his party in his county at the primary election. If it shall appear that any candidate for a county office has received a majority of all votes cast by his party in his county at the primary election, such candidate shall thereupon be declared duly nominated by the convention without the formality of a ballot: *Provided*, if the county central committee for said primary and convention shall have authorized the nominations to be made by a plurality vote, then the candidate receiving the highest number of votes shall be declared the nominee of said convention. But in case no candidate of each party for each respective county office shall have received a majority of all votes cast by his respective party in the county, then any candidate of each party for each respective county office who shall have received the highest number of votes cast for any candidate for such office by his party for such office in any primary district shall receive the votes of the delegates in the county convention of his party from such primary district and the votes of each of them unless the county committee in its call for said convention shall have provided for plurality nominations.

§ 48. After the certificates of election and credentials have been made out as herein provided, the primary judges shall place all the sealed envelopes containing the ballots of the respective political parties in a canvas bag, to be furnished by the county clerk, or clerk of any city, village or incorporated town, for that purpose, which canvas bag shall be carefully and securely sealed and endorsed, "Primary ballots of the.....primary district, in the.....of....." Thereupon the judges shall place the registry poll books and tally sheets in an envelope, to be provided for that purpose by the county clerk, or clerk of any city, village or incorporated town, carefully envelope and seal the same, and endorse upon the back thereof the following: "Primary election returns of the.....primary district, in the....." The envelope containing the returns and the canvas bag containing the ballots shall be delivered by one of the judges to the county clerk, or the clerk of any city, village or incorporated town, at his office by 11 o'clock a. m., of the Monday following a primary election, and the ballots and tickets shall be preserved by such clerk for one year. The registry poll book shall be returned to the proper clerk within ten days after the respective county conventions.

§ 49. As soon as the returns are all in, the county, or city, village or incorporated town clerk, with the assistance of two justices of the peace, of opposite political parties (if possible) shall, without delay, upon [open] all the returns and certify tabulated statements thereof separately for each political party. The tabulated statement of the returns of each political party shall state in appropriate columns and under proper headings the total number of votes cast by the respective party in each primary district in the county, or municipality, and the total number of votes cast for each candidate of the respective party in each primary district in the county, or other municipality. The county clerk, or other clerk, shall deliver a copy of the tabulated statement of the returns of each political party to the secretary of the county, or city, village or incorporated town committee of the respective political parties, not later than 12 o'clock M. of the Wednesday following the primary election. And it is hereby made the duty of the secretary of the county central, or other managing committee of each political party to deliver the same to the next ensuing city, village or incorporated town or county, senatorial or congressional conventions of his party in his respective district, or municipality. The county clerk of each county shall cause to be delivered to the Secretary of State within eight days next following such county convention, the total vote cast for each candidate of the respective party, for Governor and United States Senator in the respective county. The Secretary of State shall cause to be delivered to the Secretary of State convention of the respective parties next following such primary election, upon the assembling of such State convention for the respective parties, the total vote by the counties, for each candidate for Governor of the respective parties. It shall be the duty of the secretaries respectively of the county, senatorial, congres-

sional and State conventions, to read to the convention before any candidate is put in nomination, the total vote, by counties, received by each candidate of the respective party voted for upon the primary ballot provided for in this act.

§ 50. Any candidate whose name appears upon the primary ballot of any political party in any primary district, may contest the primary election held in any municipality or in any or all the primary districts in any county as to the office for which he was a candidate for nomination, by filing with the clerk of the county court of the respective county a petition in writing setting forth the grounds of contest, which shall be verified by affidavit of the petitioner. Jurisdiction is hereby vested in the county courts in term time, and in the judges thereof in vacation, to hear and determine primary election contests. When a petition to contest a primary election shall be filed in the office of the clerk of the county court, said petition shall forthwith be presented to the judge thereof, who shall note thereon the day of presentation and shall also note thereon the day when he will hear the same, which shall be before the next following county convention after such primary election, it shall be determined in sufficient time to enable the successful candidate or candidates to have their names printed upon the ballots for the election ensuing after such primary, and shall order issuance of summons to each defendant named in his petition. Summons shall forthwith issue to each defendant named in the petition and shall be served in the same manner as is provided in cases of chancery. The case may be heard and determined by the county court in term time, or by the judge thereof in vacation at any time, not less than two days after service of process and shall have preference in the order of hearing to all other cases. The petitioner shall give a bond with security to be approved by the clerk of the court conditioned for the payment of all costs. If, in the opinion of the court in which the petition is filed, the grounds for contest alleged are insufficient in law, the petition shall be dismissed. If the grounds alleged in the petition are sufficient the court shall proceed in a summary manner and may hear evidence, examine the returns, recount the ballots and make such orders and enter such judgments as justice may require, and judgment of said court shall be final.

§ 51. No State convention shall hereafter be held in any year before the first day of May, and not later than the 15th of May. All senatorial conventions shall hereafter be held on the Wednesday next following the day upon which county conventions are held, except where a county is a senatorial district, in which case the senatorial convention shall be held on the same day and the delegates to the county convention shall nominate the senatorial candidates; and all congressional conventions shall be held on the second following Wednesday after the day set for the holding of the county conventions as above provided.

§ 52. No candidate for the nomination for any office, who has not complied with the provisions of this act, shall be nominated by any convention: *Provided*, that any convention may by a four-fifths vote

of all its members nominate a person whose name did not appear upon the primary ballot; and in case of a vacancy, by death or otherwise, any convention may, by a majority vote of all its members, select any qualified person as candidate to fill such vacancy: *Provided*, that in case of a vacancy upon the ticket, by death or otherwise, after the convention has adjourned, said vacancy shall be filled by the county central, senatorial, congressional or State committee, as the case may be; and it is hereby made the duty of the proper officer upon receipt of the resignation or knowledge of the death of any candidate, to immediately notify in writing the appropriate chairman.

§ 53. If any one or more delegates to a county convention from any primary district be absent, the delegates from said primary district present in the county convention shall cast the full vote of the delegation from said primary district: *Provided*, that the full vote of said delegates from said primary district shall be cast in the convention in accordance with the instructions received by said absent delegates. If all the delegates to the county convention from any primary district are absent, such primary district shall have no vote in said convention.

§ 54. Any delegate in any county convention shall have the right upon the first ballot to challenge the vote of the delegation of any primary district upon the ground that the vote of said delegation, as announced, is not cast in accordance with the vote and instructions of said primary district at the primary election, as evidenced by the certificate of returns from said primary district. And whenever the vote of a delegation as aforesaid is challenged, the chairman of the convention shall examine the certificate of returns and ascertain whether or not the grounds for challenge are well taken. The secretary of the convention shall record the vote of said delegation in accordance with the vote and instructions of the primary district at said primary election.

§ 55. The delegates of each party for each county, to all State, congressional and senatorial conventions, shall be chosen and selected by the county convention of the respective party of said county, and not otherwise. Any candidate other than a candidate for a county office, who shall receive the highest number of votes cast in the county in said primary shall be entitled to receive and shall have cast for him the vote of all the delegates from that county in the nominating convention.

§ 56. The candidate of any party for the nomination of Governor, whose name appears on the primary ballot of his party in any county, who shall have received the highest number of votes cast by his party in said county, as shown by the certificate of returns, shall be entitled to receive and shall have cast for him the vote of all the delegates from that county in the nominating convention and such fact shall be stated in the credentials issued to the delegates to the State convention of said party from said county.

§ 57. The candidate of any party for the nomination of any congressional office, whose name appears on the primary ballot of his party in any county, who shall have received the highest number of



votes cast by his party in said county as shown by the certificate of returns, shall be entitled to receive and shall have cast for him the votes of all the delegates from that county in the nominating convention and such fact shall be stated in the credentials issued to the delegates to the congressional convention of said party from said county.

§ 58. The candidate of any party for the nomination for member of General Assembly, whose name appears on the primary ballot of his party in any county, who shall have received the highest number of votes cast by his party in said county as shown by the certificate of returns, shall be entitled to receive and shall have cast for him the votes of all the delegates from that county in the nominating convention, and such fact shall be stated in the credentials issued to the delegates to the senatorial convention of said party from said county:

(2) *Provided*, that in senatorial districts consisting of two counties no more than two persons of the same political party, that is, one candidate for senator and one for representative, or two candidates for representative shall be nominated from any one county; and that in senatorial districts consisting of three counties or more, only one person of the same political party, that is, either one candidate for senator or one candidate for representative, shall be nominated from any county.

§ 59. If it shall be ascertained by any roll call in any convention, that no candidate has a majority of the delegates in such convention and that a nomination is thereby rendered impossible, then said convention may, by a majority vote, of all the delegates to the convention, release the delegates from instructions, and each individual delegate shall thereafter vote as he may determine.

§ 60. No spirituous, malt, vinous or intoxicating liquor shall be sold or given away, nor shall any saloon or bar room or place where such liquor is sold or given away, be open during the holding of any primary election. Whoever violates the provisions of this section shall be fined in a sum not less than \$25 nor more than \$100. It shall be the duty of the sheriff, coroner, constable and other officers of the county, and magistrates, to see that the provisions of this section are enforced.

(1) If any person whose vote is challenged: or any witness sworn under the provisions of this act, shall knowingly, wilfully and corruptly swear falsely he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly.

(3) Whoever unlawfully votes more than once at any election, or offers to vote after having once voted at such election, shall, on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

(4) Whoever wilfully aids or abets any one not legally qualified to vote at an election in voting or attempting to vote at such election; or

Second. Furnishes an elector with a ticket or ballot informing him that it contains a name different from that which appears thereon, with intent to induce him to vote contrary to his inclinations; or

Third. Changes a ballot to [of] an elector, with intent to deprive such elector of voting for such person as he intended; or

Fourth. By unlawful means prevents or attempts to prevent any voter from attending or voting at an election; or

Fifth. Gives, or offers to give, any valuable thing or bribe to any judge or clerk of an election, as a consideration of some act to be done or omitted to be done contrary to his official duty in relating [relation] to such election, shall on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. And any judge or clerk who shall receive, request or demand any bribe or reward forbidden by this act shall, upon conviction, be liable to the same penalties as are prescribed in this act for the giving or offering to give such bribe or reward.

(5) Any person who shall solicit, request, demand or receive directly or indirectly, any money, intoxicating liquor or any other thing of value, or the promise thereof, either to influence his vote, or to be used, or under the pretense of being used to procure the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of an election for or against any candidate for office, or for or against any measure or question to be voted upon at such election, shall be deemed guilty of the infamous crime of bribery in elections, and upon conviction thereof in any court of record, shall be sentenced to disfranchisement by the judge of such court for a term of not less than five and not more than fifteen years, and to the county jail not less than three months nor more than one year, and to pay the cost of prosecution and stand committed to the county jail until such costs are fully paid. That for a conviction of a second offense under this section, the first being alleged and proven, such offender shall be by sentence of the court forever thereafter disfranchised and deprived of the right to vote at an election in this State, and be imprisoned in the county jail not less than one year, and be committed to jail in default of the payment of costs of prosecution until such costs are fully paid. Prosecutions may be had under this section by indictment in the circuit court, or by information in the county courts, and the effect of a sentence of disfranchisement in either of said courts, both having jurisdiction of offenses hereunder, shall be to deprive such persons sentenced of the right to vote at any general or special election, or town meeting, within this State for the period of time fixed by the court where such person shall be convicted under this section. Any candidate or other paying, furnishing or promising to pay or furnish or bribing such person, with money, intoxicating liquor, or any other thing of value, or the promise thereof, shall not be liable to punishment therefor, but shall be a competent witness and compelled to

testify in prosecutions under this section. Solicitation of any person of a loan of money, or the purchase of anything of value, or any other subterfuge, shall be deemed a violation thereof.

Second. Any person who shall have been legally convicted and disfranchised by a court of competent jurisdiction who shall before the expiration of his term of disfranchisement, vote or offer to vote at any general or special election, or town meeting within this State, shall, upon indictment and conviction thereof in a court of competent jurisdiction, be confined in the penitentiary for a term of years not less than one or more than ten years.

(6) Whoever is disorderly at any election shall forfeit a sum not exceeding \$25.

(7) Whoever bets or wagers any money, property or other valuable thing upon the result of an election which may be held under the constitution or laws of this State, or bets or wagers money, property, or other valuable thing upon the number of votes which may be given to any person at an election, or upon who shall receive the greatest number of votes at an election; or agrees to pay any other person any money, property or other valuable thing, in an event that an election shall result in one way, or in the event that any person shall or shall not be elected, or shall receive a greater number of votes than others, upon conviction thereof shall be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

(8) If any judge of an election shall permit a person to vote whose vote is challenged, without the proof required in this act; or

Second. Shall knowingly and wilfully permit a person to testify as a witness contrary to the provisions of this act; or

Third. Shall knowingly permit a person to vote who is not qualified according to law; or the same election for the same office, except as allowed by law; or

Fourth. Shall knowingly receive and count more than one vote from the same person at the same election for the same office, except as allowed by law; or

Fifth. Shall refuse to receive the vote of a qualified elector at such election, who will make the affidavit and proof required by this act; or

Sixth. Shall be guilty of any fraud, corruption, partiality or manifest misbehavior; or

Seventh. Shall open or unfold any ballot when the same is presented to be deposited in the ballot box; or

Eighth. Shall wilfully neglect to perform any of the duties required of him by this act, shall, on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

(9) If any clerk of an election shall wilfully neglect to perform any duty required of him as clerk of election, or shall be guilty of fraud,

corruption or misbehavior as such clerk, he shall, on conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

(10) If any judge, clerk or messenger, after having been deputed by the judges of election to carry the poll books, tally lists and votes of such election to the place where by law they are required to be canvassed, wilfully or negligently fails to deliver such poll books, tally lists or ballots, within the time prescribed by law, with the seal unbroken, he shall, upon conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

(11) If the county clerk wilfully neglects or refuses to perform any duty required of him by this act, he shall, upon conviction, be fined in a sum not exceeding \$500, and shall be liable to the person injured by reason of such neglect or refusal, in an amount not exceeding \$500, to be recovered in an action on the case.

(12) If any county clerk or justice of the peace shall be guilty of fraud, corruption or misbehavior in canvassing the votes or making any abstract of votes or issuing any certificate of election, he shall, on conviction, be fined in any sum not exceeding \$500, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

(13) Whoever shall wilfully and wrongfully take or carry away from the place where it has been deposited for safe keeping, or deface, mutilate or change any poll book, ballot or tally list, or any name or figure therein, shall on conviction, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

§ 61. When a vacancy shall occur in any elective office and a special election shall become necessary to fill the same, the committee of the several political parties for the territorial area in which such vacancy occurs, shall nominate the candidate or candidates for the respective parties.

§ 62. Any State convention, the congressional or senatorial convention of any congressional or senatorial district and any county convention of any party, shall have power to direct the respective official committee to fill any vacancy or vacancies which may occur on the ticket nominated by each respective convention.

§ 63. No delegate to any convention held under the provisions of this act shall have any power or authority to name or appoint any proxy or substitute to vote for or in his stead, and no proxy or substitute appointed by any delegate shall be binding or effective on any convention or conventions held under the provisions of this act.

§ 64. It is hereby made the duty of the grand jury of each county, at each and every term, to inquire into all violations of this act.

§ 65. *Provided*, that in all counties of this State, having a population of one hundred and twenty-five thousand or over, the following sections only shall apply, except as hereinafter provided.

§ 66. That in every county, city, village or incorporated town respectively in this State to which this act shall apply as hereinafter provided, the primary elections for delegates to constitute the various conventions of the different political parties or organizations of such county, city, village or incorporated town, or any part thereof, held for the nomination of candidates for public office in this State, and any part thereof, and for the Congress of the United States, whose names are to be printed on the official election ballots printed and distributed at public expense in such county, city, village or incorporated town, or any part thereof, shall hereafter be held under and pursuant to this act. A convention to nominate candidates for public office to be voted for by the electors of the entire State shall be known as a "State convention;" a convention to nominate candidates for public office to be voted for by the electors of an entire county shall be known as a "county convention;" a convention to nominate candidates for public office to be voted for by the electors of an entire city, village or incorporated town shall be known as a "city, village or town convention," respectively; a convention to nominate candidates for public office to be voted for by the electors of an entire township shall be known as a "township convention;" a convention to nominate candidates for public office to be voted for by the electors of an entire ward shall be known as a "ward convention;" all other nominating conventions in this State shall be known as "district conventions."

Each nominating convention shall be held within the boundaries of the municipality or district for which its nominations are to be made, and at the place designated in the call. A majority of the delegates entitled to a seat in the convention shall be necessary to constitute a quorum. The chairman of the county central or managing committee shall call the county convention to order and preside until the temporary officers are chosen. The chairman of the county central committee shall designate a committeeman who shall call the various conventions within his district to order, which said committeeman shall be a resident of the district over which said convention is called to make nominations, and said committeeman shall preside until the temporary officers are chosen. All convention officers shall be delegates and shall be chosen upon a roll call, such roll call to be by wards and districts, and announced by the chairman of such ward or district delegation. In case, however, the vote of any ward or district is challenged or disputed when announced, then the roll of delegates of such ward or district shall be called, and the persons receiving the votes of a majority of the delegates shall be declared elected the officers of the convention. No adjournment or recess of the convention shall be taken before completing the nominations it was called to make, except upon a ye and nay vote taken upon a roll call, as aforesaid.

§ 67. Any political party or organization which at the last preceding general election for President in this State polled at least twenty per cent of the entire votes cast in the particular county, city, village or incorporated town, or district thereof, respectively, for which the

application is being made, shall be entitled, under this act, to hold a primary election on the last Saturday of February immediately preceding any regular spring or summer elections; which primary election shall effect only the nominations for the offices to be filled at the particular spring or summer elections next and immediately following such primary election day; and such political party or organization, qualified as stated in this section, shall be entitled also to hold another primary election on the last Saturday of April, immediately preceding any regular summer or autumn elections; which last mentioned primary election shall effect only the nominations for the offices to be filled at the particular summer or autumn elections next and immediately following such primary election day: *Provided*, that such primary election day and certificates of nominations shall be subject to the provisions of section 7 of an act entitled, "An act to provide for printing and distribution of ballots at public expense, and for the nomination of candidates for public office, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," in force July 1, 1891; all political parties shall hold their primary elections on the same day.

§ 68. The political party or organization entitled under this act to hold a primary election at least twenty days before such primary election day shall file with the board of election commissioners within whose jurisdiction they are; and in such portions of the county as lie beyond the jurisdiction of said board of election commissioners, with the county clerk, and also with the county clerk where there is no board of election commissioners, a call or application in writing, which shall set forth:

First—The name of such political party and the address of the headquarters of the central committee or managing committee of such political party.

Second—The name, place and time of every convention for the nomination of candidates for public office for which such primary election is called.

Third—The description of each of the various primary election districts, together with the names of the three persons for judges of election and two persons for clerks of election for each such primary district, also the designation of a polling place for each such primary district.

Fourth—The number of delegates from each such primary district to each convention: *Provided*, that the number of delegates from each of the different primary districts be proportioned equally to the number of votes of such political party in each district as shown by the last preceding presidential election returns: *And, provided*, that each primary election district shall be allowed to be represented by at least one delegate to each convention in which such primary district is entitled to be represented: *Provided*, that all the organizations or subdivisions of any one general political party representing any municipality, district or ward, shall hold their primary elections, such as

may then be in order, for the respective county, city, village or incorporated town, or other political divisions therein, together and on one and the same day; and each municipal, district or ward organization of the party that neglects to join shall forfeit the right to hold primaries for its political nominations then due. In due time before filing said call or application, the central or managing committee representing the largest political territory for which primaries are next in order may notify, in writing, the chairman or secretary of each territorial organization of such general party to return, in writing, within a specified time, properly authenticated by such territorial organization of the party, the request of such subdivision of the party for its respective primaries, and also the name, place and time of the lawful nominating conventions they wish to hold, and containing other lawful suggestions; and upon receiving such request in writing, such central or managing committee shall include in said call or application the name, place and time of the proper conventions of such subdivisions of the party, and all such other proper matters and things as will make its primaries effective, fair and equal, and shall make only such small changes in the time of the suggested primary election day or the convention days as may be required by this act in order to have all the primaries of each political party held on the same day; but such central or managing committee, even if no request in writing is returned, may include the primaries and conventions of all such lesser territorial subdivisions of the party. If such central or managing committee, after receiving such request in writing, files said call or application without including therein the primaries and conventions of the subdivision of the party making a request in writing, as aforesaid, such subdivision of the party shall be entitled to hold its primaries together with the general party, upon filing with the proper public officer, clerk or board, at least 17 days before the primary election day, an application in writing, which shall set forth the fact of such omission, the name of the headquarters of the subdivision of such party, the name, place and time of the lawful conventions desired to be held by such subdivision of the party, and containing also such other suggestions and statements as will make it possible for the proper authorities to include the primaries of such subdivision of the party in the general primaries of the general party. In default of such central or managing committee in filing any call or application at least 38 days before nomination certificates for the regular election day are due, then each subdivision of such party whose lawful primaries are then in order may, not less than 35 days before the day such certificates are due, file its own call or application, and the lawful officer, board of election commissioners, or the county clerk, as the case may be, with whom the calls are lawfully filed, shall, in an order or memorandum, substantially in the form of a call or application, fix one and the same day for all such primaries, and shall determine and fix upon all other things necessary to have such applicants have an effective, fair and equal primary election with as little public expense as possible.

§ 69. Such call or application shall be signed by the chairman and attested by the secretary of the central committee or managing committee of such political party or organization, verified by oath that the facts therein stated are true and that they are, respectively, the chairman and secretary of such committee. No persons and no political party or organization shall use the name of another political party or organization (or any designation similar to that of another political party or organization) in such manner as to deceive voters. Upon the filing of such call or application, according to the provisions of this act, any political party or organization which, at the last preceding general election for presidential electors in this State, polled at least twenty per cent of the entire vote cast in the whole county, city, village or incorporated town, represented by such political party or organization, shall be allowed to hold a primary election under this act.

§ 70. At least ten days before the primary election day, designated as aforesaid, it shall be the duty of the board of election commissioners, or the county clerk, or both, as the case may be, upon the application or call of any political party entitled thereto, as aforesaid, through its central committee, or managing committee, as aforesaid, to give notice of such primary election. Such notice shall contain the name of the political party or organization for which such primary election is to be held, the name, place and time of each convention according to the application or call aforesaid, to be held by such party for the nomination of candidates for public office, the date upon which such primary election is to be held, the description of each of the various primary election districts, the location of the polling place for each such district, and the number of delegates to be elected from each primary district to each convention. Such notice shall be posted in five public places in each primary district. But no failure or error in noticing or in the application aforesaid, shall invalidate any primary election actually held, and any primary election held pursuant to any notice substantially like the above notice shall be deemed to be held under this act, and all justices of the peace, and all judges of courts of record in the territory for which such primary election is called shall take judicial notice of the holding of such primary election under this act.

§ 71. For purposes of primary elections under this act, and in the more sparsely settled country, a regular election precinct may constitute a primary election district; but in populous sections, in order to save expense, from two to seven, but no more, entire contiguous election precincts of the same ward, or other political division, in as compact a form as practicable, may be joined so as to form one primary election district, but in such manner that each primary election district, consisting of two or more regular election precincts, shall include at least three regular election judges and two regular election clerks residing within such primary district and belonging to the party establishing such primary district. In no event shall any primary district contain more than eight hundred votes, to be ascertained by the party vote of the party holding said primary



election cast at the last preceding presidential election. Primary districts, when lawfully established, shall remain so established for each party's successive primaries for the period of four years, except as changes may be necessitated by law: *Provided*, that where a regular election precinct consists of, and is co-extensive with, a congressional township, then said congressional township shall constitute one primary election district within the meaning of this act: *And, provided, further*, that in such case, and in any case where there exists no board of election commissioners, and where the judges and clerks of election are appointed and chosen by a board of supervisors or board of county commissioners, then the judges and clerks who are to serve as judges and clerks of any primary election shall be members of the political party holding such primary election; and if there are no judges and clerks of election in and for such congressional township who belong to, and are members of, the political party seeking to hold a primary election under the provisions and within the meaning of this act, then the county central or governing committee of such political party shall have and is hereby granted, the power and right to name, appoint, notify, direct and qualify such members of its own party as are otherwise eligible under the provisions of this act to serve as judges and clerks of such or any primary election held under and within the meaning of this act. In each such primary election district there shall be a primary polling place, which shall be as near the center of population of such district as is practicable, and such primary polling place shall be in the most public, orderly and convenient part of such primary district, and within a room permitting easy ingress and egress to voters, and no building shall be designated or used as such polling place in which spirituous or intoxicating liquor is sold, or which is within one hundred feet of any place where such liquor is sold. The central committee or managing committee of any political party or organization entitled to hold such primary elections under this act shall establish such primary election districts and designate such polling places according to this act not less than twenty days before such primary election day. In default of such central committee or managing committee designating such primary election districts and polling places, the same shall be done by the member or members of the board of election commissioners representing said party; or, if no such board exists in any part of the county, then by the judge of the county court, and where there is a board of election commissioners which does not have jurisdiction over the entire county then the county court shall do the same over such territory in his county where said board of election commissioners does not have jurisdiction.

§ 72. Not less than ten days before such primary election day, the certain person, officer, officers or board, or board of election commissioners, as the case may be, by the general election law authorized to appoint judges and clerks for general elections, is and are hereby empowered to appoint, and shall, for each primary election district, appoint and swear in from the list of duly appointed and regular elec-

tion judges and clerks, and otherwise as herein provided, three judges and two clerks, who are members of such political party, to serve respectively as judges and clerks at such primary election: *Provided, however,* that such political party or organization, through its central or managing committee, shall have the right, not less than 20 days before such primary election day, to designate and name for appointment for service at such primary elections such certain of the regularly listed judges and clerks as were originally recommended and named or endorsed for appointment as regularly elected judges and clerks by such political party; and in case there are not a sufficient number of listed regular judges and clerks so originally recommended and named or endorsed by such political party to equip all primary polling places of such party, then such political party or organization may, not less than 20 days before such primary election day, through its central or managing committee, recommend to such appointing power a sufficient number of qualified persons for appointment to serve as primary election judges and clerks to equip all the primary polling places of such party; and such person, officer or board having such appointing power, to whom or to which such names are designated by such political party as aforesaid, shall, not less than ten days before said primary election day, select from the names so recommended, and shall notify, appoint and swear in such persons if qualified to act as judges and clerks at such primary election; and such persons so appointed shall serve as judges and clerks, respectively, at such primary election. Except when only one or two regular election precincts form a primary election district, no two judges and no two clerks shall serve at the same primary polling place who reside in the same regular election precinct. In default of such designation or recommendation of such judges and clerks by such political party, and in any case of vacancy among primary judges and clerks, then such person, officer or board having the appointing power as aforesaid shall appoint and swear in from the list of duly appointed and regular election judges and clerks who are members of such party a sufficient number of judges and clerks to equip all the primary polling places of such party. Such judges and clerks appointed under this act shall take an oath of office substantially as follows, and shall subscribe their names to the same:

"I.....residing at.....in the city (village or town) of.....in the State of Illinois, do solemnly swear (or affirm) that [I] am a legal voter and a member of the.....party and a householder in the.....ward of the city (village or town) of.....in the State of Illinois; that I will support the laws and Constitution of the United States and of the State of Illinois, and that I will faithfully and honestly discharge the duties of primary election judge, (or clerk) for the.....primary election district of the.....ward, of the city (village or town) of.....in the county of.....in the State of Illinois, according to the best of my ability.

Dated this.....day of.....A. D.....

....."

In due time, before such primary election day, such appointing person, officer or board shall notify every person designated as aforesaid and intended for appointment as judge or clerk of the fact of his selection; and he shall, unless excused by such person, officer or board, for good cause, be appointed as a judge or clerk, respectively, and he shall then be bound to serve as such judge or clerk for the ensuing primary election. Such person, officer or board appointing judges and clerks as aforesaid shall keep a record of the names of all such persons so notified to appear, and whether such persons were rejected for want of qualification or excused for cause; in such case the facts shall be noted. In case any person so notified shall not appear before such person, officer or board, as required in this act, or if he do appear and refuse to serve, or if he shall be sworn to serve and fail to serve on the day appointed, he shall be guilty of a misdemeanor under this act, unless good cause be shown to excuse his default for such service. In case the person intended for appointment does not appear upon notification, then other persons shall be notified as aforesaid until eligible persons are found who will serve. All persons subscribing to the oath as aforesaid, and all persons actually serving as judges and clerks at any primary election, whether sworn in or not, shall be deemed to be, and are hereby declared to be, officers of the county court of the respective county; and such persons shall be liable to punishment by such court in a proceeding for contempt for any misbehavior as such judge or clerk, to be tried in open court on oral testimony, in a summary manner, without written pleadings; but such trial or punishment for contempt of court shall not be any bar to any criminal proceedings against such primary judges or clerks for any violation of this act.

§ 73. All the laws of this State respecting the general elections in this State, now or hereafter in force in any election precinct or district in such county, city, village or incorporated town, except as the same are modified by the provisions of this act, and so far as the same are applicable to primary elections provided for in this act, are hereby declared to be in force in each primary election district respecting the primary elections provided for in this act. Polling places in the respective primary election districts shall be appointed, provided, established, furnished, warmed, lighted, maintained, conducted and supervised; and all necessary ballot boxes, registry books, return sheets, blanks, poll books, stationery and supplies shall be provided, furnished, delivered and used; and notices of such primary election shall be posted; and all judges and clerks shall be paid, appointed upon the recommendation of the central committee or managing committee, as aforesaid, qualified, notified, directed, instructed, sworn, and vacancies in their number supplied; and such primary election in each election district shall be conducted, supervised, regulated and controlled; and after being used at any primary election, all registry books, poll books, ballots, statements, returns,

ballot boxes, ballot box keys and other election paraphernalia shall be preserved, kept, stored, accounted for and returned; and the polling places and the polls of such primary election shall be opened and closed respectively;

In the same manner and by the same persons or officers or board or judges and clerks, as is provided by the law in force in any election precinct or district in such county, city, village or incorporated town, respecting the general elections, except as such general election laws are modified by this act. The certain person, officer, board, board of election commissioners, or any or all of them, by the general election law authorized to furnish or have the custody of general election ballot boxes, general registry books of voters and other election paraphernalia, shall, in due time before primary election day, notify one or more of the judges of each election district to appear before such person, officer or board in due time before primary day; and such judges shall appear within such time and such person, officer or board shall deliver to such judge or judges for each primary election district one regular election registry book of voters for each regular election precinct included in the primary election district, also sufficient poll books, tally sheets, blank affidavits, oaths, statements of votes, delegates' certificates of election; also all other blanks, papers and supplies necessary to carry out the provisions of this act.

§ 74. The expense of conducting such primary elections shall be paid by the county, or by the city, or by the village or incorporated town, respectively, to which this act shall apply, as hereinafter provided, including the salaries of judges and clerks, the cost of ballot boxes, registry books, poll books, return sheets, stationery, supplies, polling places and such other expenses as are necessary and incidental to carrying out the provisions of this act. The board of election commissioners, where such board has jurisdiction, otherwise the county clerk, shall audit all the claims of such judges and clerks of such primary election: *Provided*, that in cities, villages and incorporated towns where there is a board of election commissioners, all expense incurred by such board of election commissioners shall be paid by such city. Such expenses are to be audited by the county judge and shall be paid by the city treasurer upon the warrants of such county judge out of any money in the city treasury not otherwise appropriated. It shall be the duty of the governing authority of such city to make provision for the prompt payment of such expenses. At all primary elections for city officers, though other than city officers may be nominated at the same time, and at all primary elections in a part of such city, such city shall pay such judges and clerks for their services under this act. At all general county and State primary elections, though other than State and county officers are to be nominated, and at all primary elections where other than judicial officers are to be nominated, such county shall pay such judges and clerks for their services under this act. Said board of election commissioners shall audit all claims of judges and clerks and shall draw a warrant therefor upon such city or county treasury, as the case may be.

§ 75. The judges and clerks of such primary election shall be allowed the sum of five dollars each per day for their services in attending such primary.

§ 76. In order to be qualified to vote at a primary election, the person offering to vote shall be a member of the particular party and legally qualified to vote at the next ensuing regular election. He shall be registered on the regular election registry books within the primary district and reside within the district in which he offers to vote: *Provided*, no person shall be deemed to be a member of a particular party if he has signed any petition for the nomination of any person with reference to the nomination for the next ensuing regular elections, or if he has voted at the primary election of another party within the period of two years next preceding: *Provided*, that in all localities where there is no board of election commissioners having jurisdiction of general elections, every legal voter entitled to vote at regular elections within any election precinct included within the primary district of which he is a resident, and who is a member of the political association or party holding the primary election, shall be entitled to vote at such primary election under the regulations and restrictions applicable to the regular elections.

§ 77. None but legally qualified voters residing in the primary district to be represented shall be eligible as delegates to any convention of such party. Judges and clerks acting as such at any primary election shall be ineligible as delegates to any such convention. No person shall act as a delegate in any such convention except when elected a delegate, according to this act: *Provided*, that in the absence of a delegate, then the delegates present representing the district shall select some one to represent such absent delegate or delegates. If no delegates from a given district are present, then the delegates from the ward, division, or township, shall select any qualified member or members of the party as delegates to fill such vacancy or vacancies: *Provided*, that any and all delegates who are so selected to represent such absent delegates shall stand instructed to vote in the convention the same as such absent delegate or delegates were instructed to vote.

§ 78. Any candidate for the nomination of Governor shall have his name printed on the primary ballot of his political party, in each county, by filing in the office of the Secretary of State not less than thirty days before the primary election a written request substantially as follows:

"I.....of the county of....., in the State of Illinois, certify that I am a member of and affiliated with the..... party; that I am a candidate for the nomination for Governor before the next.....State convention of Illinois, and I hereby request that my name be placed upon the official primary ballot of the party in each county for that office."

Any candidate for the nomination for United States Senator shall have his name printed on the primary ballot of his political party in

each county by filing in the office of the Secretary of State not less than thirty days before the primary election, a written request substantially in form as the foregoing request provided for candidates for Governor. The vote upon such candidates for United States Senator shall be had for the sole purpose of ascertaining the sentiment of the voters in the respective parties. Each candidate for Governor and for United States Senator shall further file with the Secretary of State petition signed by no less than five thousand legal voters, members of the party in which he is a candidate for nomination. Not less than twenty-five days before the primary election, the Secretary of State shall certify to the county clerk of each county the names of all candidates for nomination for Governor and United States Senator, together with their political affiliations, as specified in the written request on file in his office. Each candidate for Governor and for United States Senator of the respective parties shall pay to the Secretary of State a filing fee of one hundred dollars. The officer or board having charge of elections shall cause to be delivered to the Secretary of State within ten days following such primary election, the total vote cast for each candidate of the respective parties for United States Senator and for Governor within their jurisdiction. The Secretary of State shall cause to be delivered to the chairman of the State convention of the respective parties next following such primary election, upon the assembling of such State convention of the respective parties, the total vote by counties for each candidate for United States Senator and for Governor of the respective parties. It shall be the duty of the secretaries respectively of State conventions to read to the convention before any candidate is put in nomination the total vote by counties received by each candidate of the respective parties voted for upon the primary ballots provided for in this act.

§ 79. Any candidate for the nomination of Representative in Congress, member of the General Assembly, mayor or alderman, shall have his name printed upon the primary ballot of his party in the district within which he is a candidate, by filing in the county clerk's office of the county where such candidate resides, and filing copies thereof in other counties where the territory in which he is a candidate extends to such counties, not less than twenty-five days before the primary election, a written request substantially in the following form:

"I.....of the county of.....in the State of Illinois, certify that I am a member of and affiliated with the..... party; that I shall be a candidate for the nomination for..... (describe office), before the next..... convention in the .....district of Illinois, and I hereby request that my name be placed on the official primary ballot of the.....party for said primary election.

....."

The candidates named in this section shall pay the following fees: Each congressional candidate \$100, each candidate for senator \$50, each candidate for member of the House of Representatives \$25, each

candidate for mayor \$75, each candidate for alderman \$25. Such fees shall be proportionately divided among the respective counties of the district. Each candidate shall further file in the office of the Secretary of State a petition signed by at least five per cent of the voters of his party in the district as shown by the last preceding election for president. The officer or board having charge of elections shall cause to be delivered to the chairman of the respective conventions the result of the vote for said candidates last above mentioned. It shall be the duty of the secretaries of said respective conventions to read to their conventions before any candidate is put in nomination the total vote by districts received by each candidate of the respective party voted for upon the primary ballot provided for in this act.

§ 80. No candidate for the nomination for any office, who has not complied with the provisions of this act shall be nominated by any convention: *Provided*, that any convention may by a three-fourths vote of all its members nominate a person whose name did not appear upon the primary ballot; and in case of a vacancy by death or otherwise, any convention may, by a majority vote of all its members, select any qualified person as candidate to fill all such vacancies: *Provided*, that in case of a vacancy upon the ticket, by death, declination or otherwise, after the convention has adjourned, said vacancy shall be filled by the State central committee in case of State nominations, and by the county central committee in case of all other nominations, unless the respective conventions shall otherwise provide for the filling of such vacancies.

§ 81. Section 21 of an "Act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, as amended by an act approved June 19, 1893, in force July 1, 1893, is hereby made applicable to primary elections held under the provisions of this act.

§ 82. The voter shall forthwith and without leaving the polling place retire alone to one of the voting booths and prepare his ballot unless the same has been prepared prior to entering the polling place by making a cross "X" in the square in front of and opposite the name of each candidate of his choice for each office to be filled.

§ 83. The candidate of any party for the nomination for Governor, whose name appears on the primary ballot of his party in any county, who shall have received the highest number of votes cast for any candidate for such office by his party in any primary district in such county, as shown by the certificate of returns, shall be entitled to receive and shall have cast for him the vote of all the delegates from said primary district in the nominating convention, and such fact shall be stated in the credentials issued to the delegates to the State convention of said party from said district.

§ 84. The candidate of any party for the nomination of any congressional, senatorial, aldermanic or mayoralty office whose name appears on the primary ballot of his party in any district who shall have re

ceived the highest number of votes cast for any candidate for such office by his party in said primary district, as shown by the certificate of returns, shall be entitled to receive and shall have cast for him the votes of all the delegates from said primary district in the nominating convention, and such fact shall be stated in the credentials issued to the delegates to the respective conventions of said party from said district. And a congressional, aldermanic or mayoralty convention may by a majority vote, nominate a candidate whose name appeared on the primary ballot as a candidate for any of said offices: *Provided, however*, if it shall be ascertained by a roll-call that no candidate shall have a majority of the delegates in such convention, and that a nomination is thereby rendered impossible, then the primary district shall, by a majority vote of its delegates, direct in its discretion when the delegates may cease to vote for the candidate who has received the highest number of votes cast for any candidate for such office in any such primary district.

§ 85. At such primary elections the manner of voting shall be by ballot. The ballots shall be of uniform size, which size shall be designated at least twenty days before the primary election by the officer or board having charge of the election, under the general election law, and said officer or board shall, within said time, also designate the color of paper for the respective parties for said primary election, a different color to be designated for each party, and shall furnish to persons desiring to prepare ballots, paper upon which said ballots shall be printed, and said paper shall so be furnished at the price which it costs said officer or board. The ballots shall be printed or written, or partly printed or partly written, upon said paper so provided and designated. No primary ballots shall be furnished or printed at public expense. The primary election ballots shall be arranged and printed substantially in the manner following, to-wit: At the top of the ballot shall be printed, in large capital letters, words designating the ballot. If a republican ballot, the designating words shall be, "Republican Primary Ballot." If a democratic ballot, the designating words shall be "Democratic Primary Ballot," and in like manner for each political party. Immediately under such discriminating words shall be printed [XX], in capital letters, words describing the number of the primary district, the number of the ward and the location of the polling place. Beginning not less than one inch below [below] the designating words, the name of each office to be filled shall be printed in capital letters, in the following order, to-wit: Governor, United States Senator, Representatives in Congress, Senatorial officers, mayor, aldermen. Below the name of each office shall be printed, in smaller capital letters, the names of all candidates (alphabetically arranged according to surnames) for the nominations of said office which are entitled to be placed upon the respective primary ballots. The names of all candidates upon the primary ballot shall be printed in type of uniform size and style and the names shall be printed in a vertical column. Immediately in front of and opposite the name of each candidate shall be printed a square, and all squares upon the



primary ballot shall be of uniform size. Spaces between the names of candidates for each office shall be uniform, and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office to avoid confusion. The name of each delegate for whom the voter intends to vote shall appear on one ballot, on one and the same side thereof, in plain letters together with the name of the convention to which such delegates are to be elected. Immediately preceding the list of delegates to any convention shall appear the name of the candidate or candidates for direct nomination, as hereinbefore provided, or for whom such delegates are expected to vote in such convention. Unless ballots substantially comply with this act in size, color and other provisions herein provided for, the same shall be void for all purposes and shall not be received or deposited or counted by any person or judge at any such primary election. The proper officer or board shall, not less than 20 days prior to a primary election provide and issue a form of primary ballot as a guide for use in printing primary ballots, which form shall be followed in the preparation of all primary ballots, and all ballots not in accordance with the provisions of this act, but which by any mistake may have been deposited in the ballot box, shall be void, and shall be marked "defective" on the back thereof; but no ballot shall be defective because the voter depositing the same has named upon it a less number of delegates than such voter was entitled to vote for. If the voter votes for more persons than there are delegates to be elected to a certain convention, or if for any reason it is impossible for the judges to determine the voter's choice, such ballot, or part thereof, shall not be counted. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made by either of the judges or challengers shall be marked "objected to" on the back thereof, and a memorandum, signed by the judges, stating how it was counted, shall be written upon the back of each ballot so marked, and all ballots marked "defective" or "objected to" shall be enclosed in an envelope, securely sealed and so marked and endorsed as to clearly indicate its contents. The judges shall receive from any person and permit to be freely and equally exposed in separate and orderly piles, within the polling place, near the ballot-box and within reach of voters, a sufficient supply of each of the various primary tickets or ballots; and the judges shall hand one of each of the various tickets to each and every person qualified to vote; and whenever the supply of any of the various tickets becomes insufficient, the judges shall immediately mention the fact of such insufficiency to one or more of the candidates or persons interested in said ticket. Any judge or clerk, or any other person, who shall in any manner conceal or remove or destroy any such supply of tickets, or who shall hinder or prevent or interfere with the free and equal reception, exposure, distribution, use or supply of such various primary tickets or ballots, or who shall do any electioneering within 100 feet of the polling place shall, upon conviction thereof, be deemed guilty of a misdemeanor.

§ 86. The polls of such primary election shall be opened at 12:00 o'clock noon, and continue open until 7:00 o'clock in the afternoon of the same day, at which time the polls shall be closed; if any judge or clerk, without lawful excuse, shall be behind time for fifteen (15) minutes after the time for opening such polls, he shall be guilty of a misdemeanor under this act and punished accordingly. No judge or clerk shall absent himself to exceed five (5) minutes at any time until the ballots are all cast and counted and returns made; and, when absent for any cause during such time, said judge or clerk shall authorize some one of the same political party with himself to act for him until his return. If any judge or clerk shall not be present after the expiration of fifteen (15) minutes from the time to open the polls, the judge or judges present shall fill the place of such absent judge or clerk and one of the judges shall administer to such substitute the oath, as required of the judges or clerks when originally appointed, and blank forms shall be provided for such purpose, which oath shall be preserved and returned by the judges to the proper officer or the board, and such appointee shall be subject to the same punishment and penalties as any other judge or clerk. Whenever such regular judge or clerk shall be present, such substitute shall cease to act. If all judges or clerks fail to appear at the proper time at the polling place, or in case no primary judges or clerks have been appointed as provided in this act, then bystanding voters of such primary district to the number of five (5) or more of such political party may elect legal voters of such party to act as judges or clerks. Such judges and clerks, elected as last aforesaid, shall have full power to conduct such primary election in accordance with this act. Any judge or clerk who shall willfully absent himself from the polls on such primary election day without good cause shall be guilty of a misdemeanor under this act, and if any judge or clerk shall wilfully detain any registry book or poll book, or other election paraphernalia, and not cause it to be produced at the polling place at the opening of the polls, or for fifteen (15) minutes thereafter, he shall be guilty of a misdemeanor under this act. If, for any good cause, a primary election can not be held at the polling place designated or appointed as aforesaid, the judges at such polling place may at the time set for opening the polls of such primary election, adjourn such election to the most convenient polling place, near by, which is otherwise suitable according to this act, and such judges shall publicly proclaim such change and post a notice of such change on the polling place originally appointed.

§ 87. Before voting begins the ballot box shall be empty; and it shall be opened and shown to those present to be empty; and it shall not be removed from the public view from the time when it is shown to be empty until after the close of the polls. It shall be locked and the key delivered to one of the judges, and it shall not again be opened until the close of the polls. The judges of election shall each be held guilty of a misdemeanor under this act if such ballot box shall not by them be kept constantly in public view during

the progress of the election, unless is shall be shown by any judge that he protested against any obstruction of the view of the ballot box and was overruled by the majority of the judges. Voters shall be admitted within the polling place and there shall be permitted no handing in of votes through windows, doors or other openings.

§ 88. Each of the clerks of election, in the poll books kept by him, shall enter in the proper column the name of each person whose vote is duly received for deposit in the ballot box; and in the column under the heading "Number" he shall note the successive number of each successive voter; and in the column headed "Residence" he shall note the residence of each such voter. Each page of such special book shall be substantially in the following form:

### REPUBLICAN (OR DEMOCRATIC) POLL BOOK.

Of a primary election held in the.....primary district of the.....ward, of the city of.....town of .....county of.....on the.....day of .....A. D. 19....

This is to certify that the within list is a correct list of (Republican or Democratic) voters at a primary election held on the.....day of.....A. D. 19....in the.....primary district of the.....ward, in the city of.....town of.....county of.....and State of Illinois.

And that on said primary election day.....19....the undersigned judges and clerks served, and are entitled to pay therefor.

.....  
.....  
.....

*Judges of Election.*

.....  
.....

*Clerks of Election.*

Dated.....19....

Number of Votes.	Name of Voter.	Residence.
1.....	.....	.....
2.....	.....	.....
3.....	.....	.....
4.....	.....	.....
5.....	.....	.....
6.....	.....	.....

Such poll books shall otherwise be of the form, and shall contain the same certifications, as nearly as may be, as the poll books used in the regular elections, and such poll books shall be signed and attested in the same manner as poll books for the purpose of regular elections.

§ 89. One of the judges of such election shall receive the ballot from the voter and shall announce the residence and name of such voter in a loud voice: such ballot shall be folded by the voter in such a manner that the contents thereof cannot be seen without unfolding such ballot. If the judges of election are satisfied that the person offering to vote is a legal voter, whose name is registered on the regular election registry books, except as herein otherwise provided for localities where there is no board of election commissioners, and are satisfied that he is a member of the political party holding such primary election and if no challenge is interposed, the judge receiving such ballot shall again announce to the clerks of election the residence and name of the person offering such ballot, and such judge shall mark with pencil or ink the initials of his own name on the back of such ballot as it is folded, and thereupon such judge, after holding up and showing the ballot to be so marked, shall immediately, in the presence of the voter offering such ballot, and keeping the same in plain view of the judges and clerks of election and of such voters and challengers as may be present, deposit into the slot of the ballot box the ballot thus received and marked, and no other; and thereupon the clerks of election shall enter upon the poll books in the proper column the name and proper successive number of each voter and his residence. The judges and clerks, and each of them, shall see to it that each ballot is endorsed as aforesaid. If such person shall be challenged as disqualified, the person challenging shall assign his reason therefor, and thereupon one of said judge shall administer to the person offering to vote an oath to answer all questions truthfully, and if he shall take such oath he shall then be questioned by said judge or judges touching such cause of challenge and touching any other cause of disqualification, and he may also be questioned by the person challenging him in regard to his qualifications and identity; but if a majority of the judges are of the opinion that he is the person so registered and a voter qualified to vote at such party primary election, his vote shall then be received and deposited. But if the vote of a person apparently registered be rejected by such judges, such person may afterwards produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of said judges, in which it shall be stated how long he has resided in any precinct within such primary district and in the county and State; that he is a male citizen of the United States and is a member of the political party holding such election, and is a duly qualified voter at such primary election in such district and that he is the identical person so registered or so named. But the affidavit aforesaid shall be supported by an affidavit by at [least] two registered voters, who are householders residing in such primary district, stating their own residence and that they know such person to be a member of

the political party holding such primary election, and that such person does reside at the place mentioned, and has resided in such primary district and in such election precinct, county and State for the length of time as stated by such person, which affidavit shall also be subscribed and sworn to as the affidavit last aforesaid. Whereupon the vote of such person shall be received and entered as other votes. But the clerks having charge of such poll books shall state in their respective poll books the facts in such case and the name of the person challenging; and the affidavits so delivered to said judges shall be preserved and returned to the officer entitled to receive them. Any registered voter of the party in the district may challenge. Blank affidavits of the character aforesaid shall be sent out to judge [judges] of all the districts and the judges of election shall furnish the same on demand and administer the oath without criticism. Such oaths, if administered by any other officer than a judge of election, shall not be received: *Provided*, That no judge, challenger or other person shall in bad faith, or for purpose of delay, challenge or question registered votes [voters] of the district.

§ 90. The judges of election shall permit each different ticket of delegates to be represented by a challenger chosen by a majority of those named for delegates on any particular ticket. Said challengers shall be protected in the discharge of their duty by the judges of election and the police. Said challengers shall be permitted to remain within the polling place in such a position as will enable them to see each person as he offers his vote and said challengers may remain within the polling place throughout the canvass of the vote and until the returns are signed. The challengers shall be permitted to remain so near that they can see the judges and clerks are faithfully performing their duties.

§ 91. The judges of election shall admit one or more policemen to be present in said polling place at the time of such canvass. None but the officers of such primary election, challengers and peace officers shall occupy such polling place except for the purpose of voting.

§ 92. The judges of election shall have the power to administer and certify oaths required during the progress of any primary election held under this act, and they shall have authority to keep the peace, and to cause any person to be arrested for any breach of the peace or for any breach of election laws, or any interference with the progress of such election or of the canvass of the ballots, and it shall be the duty of all officers of the law present to obey the orders of such judges of election, and an officer making an arrest by the order of any judge for any violation of the provisions of this act shall be protected in making such arrest, the same as if the warrant had been issued to him to make such arrest.

§ 93. Immediately upon the closing of the polls the judges and clerks shall proceed to canvass the votes polled. If two or more ballots are found folded together and within each other, so as to appear to have been cast by the same person as one ballot, and the inner bal-

lot or ballots are without the proper initial mark, as provided in this act, then all such ballots so folded together, including the outer one, whether such outer one is properly marked on the back thereof as provided in this act or not, shall, as nearly as may be, in the same condition as found, be marked "stuffed," and such ballots shall be void and shall not be counted, and the same shall be placed in an envelope marked "stuffed ballots," which envelope shall be sealed and preserved, together with the other ballots. If the ballots remaining shall be found to exceed the number of names entered on the poll lists, such judges and clerks shall reject the ballots, if any be found upon which the proper initial marks do not appear. If the number of ballots still exceed the number of names entered on such poll list, the ballots remaining shall be replaced in the ballot box and the box closed and well shaken, and again opened, and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess, keeping a note of the number of such ballots and noting the same on the statement of returns. Such judges and clerks shall then proceed to count, declare and record the votes in the following manner: The judges shall open all the ballots and place in separate piles those which contain the same names throughout. Each of the judges shall examine such separate piles and exclude from such piles any ballots which do not contain all the same names for all the same conventions. One of said judges shall then take one pile of the ballots which contain the same names and count them carefully, examine each name and convention on each of such ballots. Such judge shall then pass the ballots aforesaid to the judge sitting next to him, who shall count them in the same manner, and he shall then pass them to the third judge, who shall also count them in the same manner. The third judge shall then call the names of the persons named in such ballots and the conventions for which they are designated, together with the number of votes for each so far as counted, and the poll clerks shall tally the number of votes for each of such persons on tally sheets. When such judges have counted through such first pile of ballots containing the same names, and when the poll clerks shall have tallied the votes for each of the delegates named in such ballots, they shall then take up the next pile of ballots containing the same names and shall count them in the same manner as last aforesaid. When the counting of each pile of ballots which contain the same names shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it in a loud voice to the judges. The judges shall then canvass the other kind of ballots, which, in names or conventions, do not correspond with one another. They shall be canvassed separately by one of the judges, sitting between two other judges, which one judge shall read to the clerks from each such ballots each name and the convention for which such name is designated, and the other judges looking at the ballot at the same time, and the

poll clerks tallying the same. When all these ballots have been canvassed in this manner, the clerks shall compare their tallies together and ascertain the total number of votes received by each person, and when they agree upon the number, one of them shall announce in a loud voice to the judges the number of votes received by each person.

§ 94. Such canvass shall not be adjourned or postponed until the several statements hereinafter required to be made by the judges and clerks have been made and signed by them. Upon the completion of such canvass the judges of election shall declare the result thereof, and such declaration shall be *prima facie* evidence of the result. The judges of election shall make three statements of all the votes cast at such primary election. Such statement shall be substantially in the following form:

### REPUBLICAN (OR DEMOCRATIC).

#### STATEMENT OF VOTES.

State of Illinois, }  
County of..... } ss.

At a primary election held on the.....day.....A. D. 19.. between the hours of 12 o'clock noon and 7 o'clock p. m., at..... in the.....primary district of the.....ward, of the town of .....of the city of.....county of..... and State of Illinois, the following named persons received the number of votes annexed to the (their) respective names for the following described conventions, to-wit:

.....  
.....received.....votes for city convention  
.....received.....votes for city convention  
.....received.....votes for city convention  
.....  
.....received.....votes for town convention  
.....received.....votes for town convention  
.....received.....votes for town convention  
.....  
.....received.....votes for ward convention  
.....received.....votes for ward convention  
.....received.....votes for ward convention  
.....

This is to certify that the foregoing statement, showing the total number of votes for each of the above-mentioned persons for the conventions annexed to their respective names, is correct in every respect.

Given under our hands this.....day of.....A. D....

.....  
 .....  
 .....

*Judges of Election.*

(Witnessed by)

.....  
 .....

*Clerks of Election.*

Such statements shall show the whole number of votes given for each person, and the convention for which he is designated, and such judges shall certify that such statements are correct in every respect, and the clerks of election shall witness the same. Each such statement and each sheet of paper forming a part of such statement shall be subscribed by the judges and election clerks. If any judge or clerk shall decline to sign such statement, he shall state his reasons therefor in writing, and a copy thereof, signed by himself, shall be enclosed with each statement. One statement, as aforesaid, of the votes cast shall, after being made out as aforesaid, be attached to the poll book; another statement as last aforesaid shall be enclosed in an envelope, properly endorsed and marked by such judges, and the same shall, by one of such judges, be addressed and carried to the office of the chairman of the central committee or managing committee of such political party, who filed the call or application for primaries, and the receipt of such chairman shall be taken therefor: Another statement shall be enclosed in an envelope, which shall then be securely sealed, and each of the judges shall write his name across every fold at which the envelope, if unfastened, could be opened. On the outside of such envelope shall appear substantially the following words:

“Statement of all Republican (or Democratic) votes cast at the  
 .....primary district of the.....ward of the town of  
 .....county of.....on the.....day of.....  
 A. D. 19....”

The envelope last aforesaid shall be addressed to the person, officer, board or board of election commissioners, by the general election law charged with the duty of receiving and preserving election returns, and one of the judges shall carry the same to such person, officer or board, as the case may be, and take a receipt for the same.

§ 95. The judges of election of each primary district shall issue a certificate of election to each person who has received a plurality of all the votes cast for delegates to any particular convention from such primary district and they shall deliver the same to the person entitled thereto. In case two or more persons each receive the same and the highest number of votes cast for delegates to the convention, then the judges of election shall then and there decide by lot which person or persons shall be entitled to such certificate, and they shall issue to each such person so chosen such certificate, and make a note of such facts upon the statements provided for in this act. Such certificate of election shall be evidence *prima facie* of the right of the



person therein named to a seat in the convention therein named. The conventions shall be held at the times as hereinafter provided, as follows, to-wit: The county convention and the sanitary district convention, and whenever there are city officers to be elected at the fall election, said city convention shall be held on the Monday immediately following said primary election day. The Senatorial convention shall be held on the Tuesday immediately following said primary election day. The Congressional convention shall be held on the Wednesday immediately following said primary election day. The city convention shall be held on the Monday immediately following said primary election day. The ward and town conventions on the Tuesday immediately following said primary election day.

§ 96. When a vacancy shall occur in any elective office, and a special election shall become necessary to fill the same, the managing committee of the several political parties for the territorial area in which said vacancy occurs, shall nominate the candidate or candidates for the respective parties.

§ 97. Any person who shall wilfully, corruptly and falsely swear or affirm in taking any oath or affirmation prescribed by or upon any examination provided for in this act, and every person who shall wilfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely [as] aforesaid, or attempt or offer so to do, shall be guilty of perjury, or subornation of perjury, as the case may be, and shall, upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

§ 98. If any judge or clerk shall neglect or refuse to canvass the votes at the time and in the manner provided for in this act, or refuse to make the returns required in this act, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 99. Every judge of election, clerk or other officer or person authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at such election in any district, who shall wilfully make any false canvass of such votes, or who shall make, enter, write, sign, publish or deliver any false return of such election, or any false statement of the result of such election, or any material writing incidental to such election, knowing the same to be false, shall, on conviction thereof, be adjudged guilty of a felony under this act.

§ 100. If any person acting as a judge at such primary election shall wilfully, fraudulently and without lawful excuse refuse to make out, sign or deliver to the person entitled thereto any certificate of election as delegate or alternate delegate, provided for in this act, or shall wilfully and fraudulently make out, sign and issue such certificate of election to any person not entitled thereto, or shall issue such certificate of election to any person at any time in advance of the official count of the votes at such polling place, or shall commit any other wilful or fraudulent act with reference to such certificate, such person shall, upon conviction thereof, be adjudged guilty of a felony under this act.

§ 101. If any judge of a primary election shall, without urgent necessity, absent himself from the polling place during election, whereby less than a majority of all the judges of such election district shall be present during such hours of election or canvass of ballots; or if at any election any judge of election or clerk, shall, knowingly and wilfully, receive any vote, or proceed with the canvass of ballots, or shall consent thereto, unless a majority of the judges of election are present and concur, such judge or clerk shall be guilty of a misdemeanor under this act.

§ 102. Any judge of election who shall wilfully exclude any vote duly tendered and unchallenged, knowing that the person offering the same is lawfully entitled to vote at such election, or who shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualifications as may be required by law, shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 103. If any judge of election shall knowingly and wilfully cause or permit any ballot or ballots, or semblance thereof, to be in the ballot box at the opening of the polls and before voting begins, or shall knowingly, wilfully and fraudulently put, or permit to be put, any ballot or other paper having the semblance thereof, into any such box at any such election; or if any person other than a judge of election, shall at any such election wilfully and fraudulently put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes; or if any person shall at such election fraudulently change or alter the ballot of any elector or substitute one ballot for another; or if any such judge of election or other officer or person shall fraudulently, during the canvass of ballots, in any manner change, substitute or alter any ballot taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed; every such judge or person shall, upon conviction thereof, be adjudged guilty of a felony under this act.

§ 104. If any judge of election, clerk or other officer of election, of whom any duty is required in this act or by the general laws of this State, for the omission of which duty no punishment is provided, shall be guilty of any wilful neglect of such duty or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 105. Any person or member of a board, or any judge of election, clerk or other officer, who is guilty of stealing, wilfully and wrongfully breaking, destroying, mutilating, defacing, falsifying or unlawfully removing or secreting or detaining the whole or any part of any ballot box or receptacle for ballots, or any record, registry of voters, or copy thereof, oath, return or statement of votes, certificate, poll list, or of any paper or document provided for in this act;

Or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony under this act.

Every person who advises, procures or abets the commission of any of the acts mentioned in the last preceding two paragraphs, shall, upon conviction thereof, be adjudged guilty of a felony under this act.

§ 106. If any person knowingly or wilfully shall obstruct, hinder or assault, or by bribery, solicitation or otherwise interfere with any judge of election, clerk or challenger, in the performance of any duty required of him or which he may be by law authorized or permitted to perform;

Or if any person, by any of the means before mentioned or otherwise unlawfully shall, on the day of election, hinder or prevent any judge of primary election, clerk or challenger, in his free attendance and presence at the place of election in the primary election district in and for which he is appointed or designed [designated] to serve;

Or in his full and free access and egress to and from any such place of election;

Or shall molest, interfere with, remove or eject from any such place of election any such judge of election, clerk or challenger, except as otherwise provided in this act, or shall unlawfully threaten, or attempt or offer so to do;

Every such person shall be deemed guilty of a misdemeanor under this act.

§ 107. If any person shall wilfully disobey any lawful command of any judge of election, given in the execution of his duty as such, at any such primary election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 108. If, on any day of primary election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace or be guilty of any disorderly violence, or threats of violence whereby any such election or canvass shall be impeded or hindered, or whereby the lawful proceedings of any judge of election or clerk, or other officer of such election or challenger, are interfered with, or causes intoxicating liquors to be brought or sent to the polling place, every such person shall, upon conviction thereof, be guilty of a misdemeanor under this act.

§ 109. Any person who votes with a certain party at such primary election, when he knows he is not qualified so to vote under the provisions of this act, shall upon conviction thereof, be deemed guilty of a misdemeanor under this act.

§ 110. If any person who shall have been convicted of bribery, felony or other infamous crime under the laws of any state, and who has never received a pardon for such offense from the officer or board entitled to grant such pardon, shall thereafter vote, or offer to vote, at

any primary election in such city, village or incorporated town, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 111. If any person, knowing that he is not qualified to vote at such primary election, takes a place in any line of voters waiting to vote at any election, or if any person, after having voted at such election, takes a place in such waiting line, or if any person repeatedly takes a place in such waiting line without voting when the opportunity comes, and who systematically gives up his place in such waiting line, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 112. If at any such election, any person shall falsely personate any elector legally qualified to vote at such primary election, and vote, or attempt or offer to vote, in or upon the name of such elector or other person, living or dead; or shall knowingly, wilfully or fraudulently vote, or attempt or offer to vote more than once, or vote in more than one primary district; or shall by force, threat, menace, intimidation, bribery or reward, or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence any elector in giving his vote;

Or shall unlawfully prevent or hinder, or unlawfully attempt to prevent or hinder, any qualified voter from freely exercising the right of suffrage;

Or shall, by any such unlawful means, compel or induce, or attempt to compel or induce, any judge of election or other officer to receive the vote of any person not legally qualified or entitled to vote at the said election;

Or by any such means, or other unlawful means, wilfully, knowingly or fraudulently counsel, advise, induce, or attempt to induce, any judge of election or other officer of election, whose duty it is to ascertain, proclaim, announce or declare the result of any such election, to give or make any false certificate, document, report, return or other false evidence in relation thereto, or to refuse to comply with his duty, as specially provided for in this act, or to refuse to receive the vote of any person entitled to vote therein;

Or shall aid, counsel, advise, procure or assist any legally qualified voter, person or judge of election, or other officer of election, to do any act by law forbidden, or in this act constituted an offense;

Every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 113. If any person shall, at any such election, fraudulently furnish any elector with a ballot containing more than the proper number of names;

Or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote, and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote; or otherwise defraud him of his vote; or if any person shall order or cause to be printed a bogus or partly bogus primary ticket, or a primary ticket of delegates or alternates without first

having secured the consent of each person named on such ticket to stand as delegate or alternate delegate for a specified convention on that particular ticket of names; or if any person causes to be brought or sent to the vicinity of a polling place such unauthorized tickets in order that they may be distributed;

Every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 114. Any person who shall make, seek or obtain for himself or another a false certificate of election as delegate or alternate delegate to any convention, knowing that he or such other person is not entitled thereto, and any person who shall use, or attempt to use, such certificates of election, knowing the same to be false or fraudulent, or to have been issued for another person; and any person who shall fraudulently, knowingly and [and] without right, act as a delegate or alternate delegate to any such convention shall, upon conviction thereof, be adjudged guilty of a felony under this act.

§ 115. If any person shall commit any act prohibited herein, or refrain from doing any act or duty required to be done herein, and if any person shall in any manner be guilty of a violation of this act whether the same is denominated an offense or not, and for which no punishment is herein specially provided, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 116. Any person adjudged guilty of an offense denominated a misdemeanor under this act shall be fined not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or shall be imprisoned in the county jail not less than one month nor more than two years, or any such person may be punished by both such fine and imprisonment.

Any person adjudged guilty of an offense denominated a felony in this act shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

§ 117. The word "householder," as used in this act, shall mean the chief or head of a family, who resides with a family as a family, and who supports and provides for such family as an independent family.

§ 118. In all prosecutions and in all contests under this act it shall be the lawful duty of the clerk of the county, or of the board of election commissioners, or other officers having the custody thereof, to produce, open, exhibit and offer in evidence any notice, ballot book, registry book, bundle of ballots, returns, statements, or other documents or papers relating to the particular prosecution or contest for the purpose of enabling a full investigation.

§ 119. Irregularities or defects in the mode of calling, noticing, convening, holding or conducting any primary election authorized by law shall constitute no defense to a prosecution for a violation of this act. When an offense shall be committed in relation to any primary election an indictment for such offense shall be sufficient, if it allege that such election was authorized by law, without stating the call or notice of election aforesaid, the names of the judges or clerks holding

such election, or the names of the persons voted for at such election. Judicial notice shall be taken of this act in any county, city, village or incorporated town to which this act shall apply and of the holding of any election thereunder on any primary election day.

The provisions of this act shall not apply to the holding of the primaries for the nomination of candidates to be elected at any of the elections to be held in the year 1905. Such primaries may be held under the present primary law or such nominations may be made by the central or managing committees of the respective political parties.

§ 120. All laws or parts of laws in conflict herewith are hereby repealed.

APPROVED May 18, 1905.

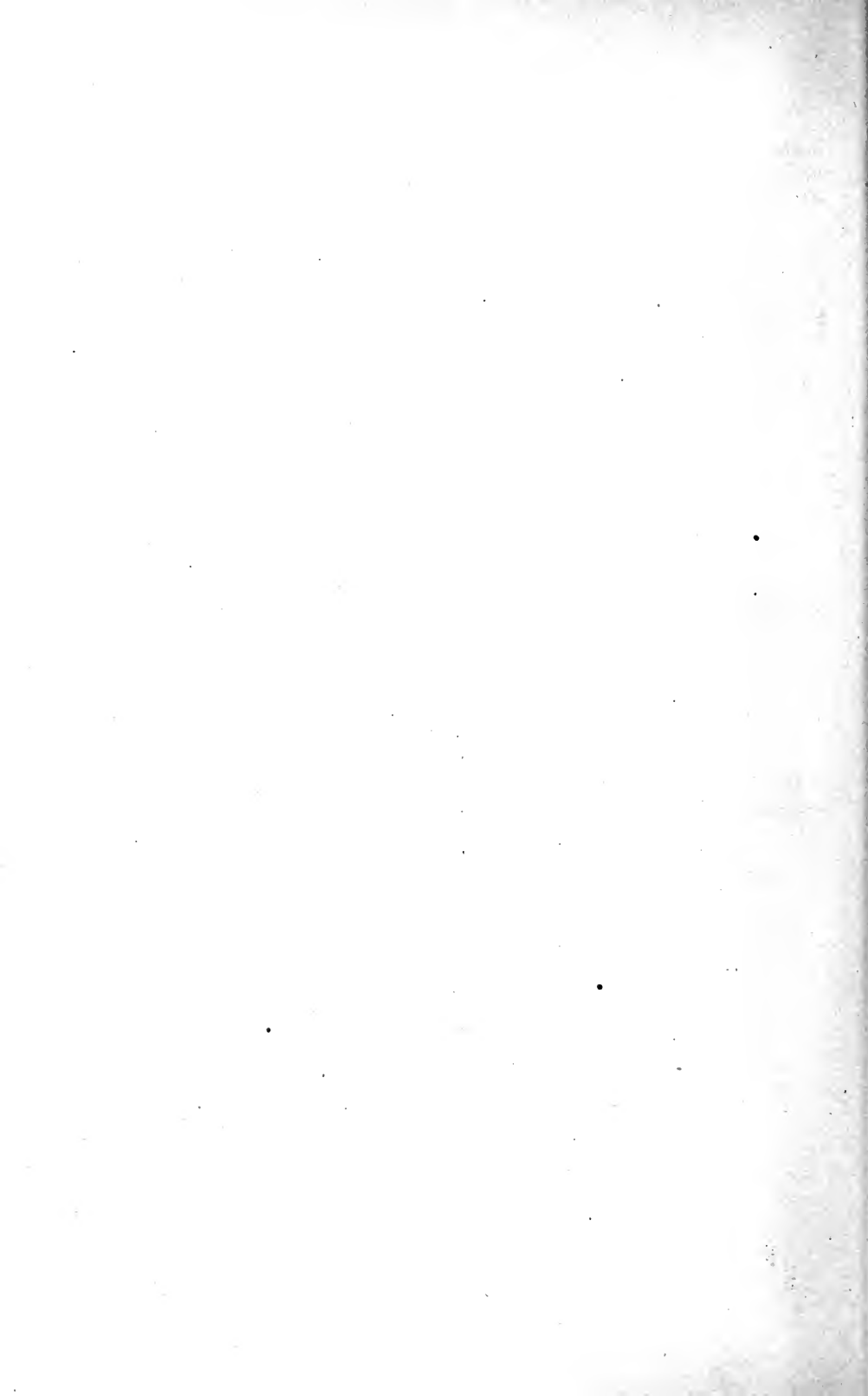
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# APPENDIX

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## OPINIONS CONSTRUING THE PRIMARY ELECTION LAW OF 1905.

November 13, 1905.

*Hon. Frank L. Hatch, State's Attorney, Springfield, Illinois,*

DEAR SIR—I have your favor of recent date in which you state that at a meeting of a committee of the county clerks of the State of Illinois, held recently in the city of Springfield, the Primary Election Law was discussed. It was deemed advisable by said committee of county clerks that the law receive a uniform construction in the various counties throughout the State. In order to secure such uniformity of practice, it was suggested that the Attorney General be called upon for an opinion on the various questions arising in the practical administration of the Primary Law. You submit, therefore, a list of thirty questions and request my opinion thereon.

Before proceeding to answer the questions suggested in your letter, it might not be out of place to state, in brief, the general rules of statutory construction. The fundamental and controlling rule of construction is to ascertain and give effect to the intent of the Legislature. As expressed in Paragraph 1, Section 1, Chapter 131 (Hurd's Revised Statutes, 1903):

"All general provisions, terms, phrases and expressions shall be liberally construed in order that the true intent and meaning of the Legislature may be carried out."

In the case of *Manhattan Co. v. Kaldenburg*, 165 N. Y., 1, the Court say:

"In construing statutes the proper course is to start out and follow the true intent of the Legislature and to adopt that sense which harmonizes best with the context and promotes in the full manner the apparent policy and objects of the Legislature."

In ascertaining the intent, the entire statute is to be taken into consideration. This is for the reason that a statute is passed as a whole, and not by sections, paragraphs and sentences. It is assumed that one general purpose animated the Legislature. Keeping in view the general intent, the meaning and scope of any particular paragraph or section is to be determined and ascertained by comparing it with other paragraphs and sections of the same law.

In the case of *Greenwood v. Gmelich*, 175 Ill., 526, the Supreme Court say:

"When any portion of a written law, standing by itself, seems to be of doubtful meaning, it may be made plain by comparing it with other portions of the same law."

"The whole is to be examined with a view to arriving at the true intention of each part. \* \* \* If any section of a law be intricate, obscure or doubtful, the proper mode of discovering its true meaning is by comparing it with the other sections, and finding out the sense of one clause by the words or obvious intent of another. And in making this comparison, it is not to be supposed that any words have been employed without occasion, or without intent that they should have effect as part of the law. The rule applicable here is that the effect is to be given, if possible, to the whole instrument, and to every section and clause. If different portions seem to conflict, the courts must harmonize them, if practicable, and must lean in favor of a construction which will render every word operative, rather than one which may make

some words idle and nugatory. \* \* \* One part may qualify another so as to restrict its operation, or apply it otherwise than the natural construction would require if it stood by itself; but one part is not to be allowed to defeat another, if by any reasonable construction the two can be made to stand together. (Cooley's Const. Lim. marg. pp. 57. 58.)"

To the same effect are the cases of *People v. Harrison*, 191 Ill. 257; *People v. Hinrichsen*, 161 Ill. 223.

With these general rules in mind, and keeping in view the general plan and intention of the Legislature to provide for the holding and regulation of primary elections to the end that all voters of a party may participate and have a voice in the nomination of candidates of their respective parties, we may proceed to consider the questions submitted in your letter.

I shall take up and discuss the Primary Law as applicable only to counties having a population of less than 125,000. I shall exclude from consideration, in this opinion, the law as applicable to cities, villages and incorporated towns.

Your first question is as follows:

"Does section 65, which is to the effect that in all counties having a population of 125,000, or over, the succeeding sections only shall apply, except as hereinafter provided, mean that the succeeding sections shall not apply to Cook County, leaving the whole law applicable to the whole State except Cook County?"

The counties comprised in this classification constitute all of the counties of the State with the exception of Cook County. To those counties the first sixty-four sections of the Act apply, and to Cook County the remainder of the Act applies, except as specifically in the Act otherwise provided. This is made plain by section 65 of the Act, which provides that:

"In all the counties of the state, having a population of 125,000, or over, the following sections only shall apply, except as hereinafter provided."

Your second question is as follows:

"Is there any provision for the nomination of candidates for Clerk of the Appellate Court in districts outside of Cook County?"

Section 1 of the Act provides that it shall apply to the nomination for candidates for the following offices, namely: (1) Governor; (2) Representative in Congress; (3) Members of the General Assembly; and (4) all county officers.

Under the familiar rule of statutory construction that where a statute enumerates the persons or things to be affected by its provisions, there is an implied exclusion of others, only those candidates for the offices specifically enumerated by the act are affected by its provisions. It follows, therefore, that as applies to counties having a population of less than 125,000, the provisions of said Act are not applicable to the nomination for candidates for Appellate Court Clerk. The Clerk of the Appellate Court, while not excluded by the proviso to section 1, is not an officer within the class of those specifically enumerated.

Your next three questions may be considered together:

"Is there any provision in the primary law for primary election clerks?"

"Do the clerks of general elections serve also as clerks of primary elections?"

"Are the judges permitted to appoint clerks?"

From an examination of said act, I find no authority whatever for the appointment of primary election clerks. I find no provision for the payment of fees to primary election clerks. On the contrary, it is provided by section 13 as follows:

"The primary election judges \* \* \* shall perform the same duties, have the same powers, and be subject to the same penalties as judges and clerks of general elections, under the general election laws of this State."

In a number of sections, namely, 15, 39, and perhaps others, reference is made to the clerks of elections. In order to be an officer of election, it is necessary that some statutory authority should exist for the election or appointment of such officer. The intent of the Legislature is clear that the judges of primary elections should perform the same duties as judges and clerks of general elections. That being the case, and no authority for the appointment of clerks being contained in the law, I am of the opinion that

primary election judges have no power to appoint clerks at primary elections. The election is to be conducted by the persons and officers pointed out by statute.

From an examination of the law, it is apparent that the only persons permitted to remain around the polls during the time a primary election is being held are the judges, challengers, and the necessary peace officers.

To permit the judges to appoint clerks would introduce, to say the least, an irregularity in the election and might, if fraud were charged and proved, invalidate the primary election in that primary district.

Your next question is:

"What is the pay of primary election judges?"

Section 14 of the act provides that:

"The primary election judges shall receive the same pay and shall be paid by the same authorities and in the same manner as judges under general election laws of this State: *Provided*, all such election officers shall receive but one per diem each for their services as primary election officers."

By reference to the general election laws, I find that judges of elections in counties of the first and second class shall be allowed the sum of three dollars (\$3.00) per day for their services, and judges of elections in counties of the third class, the sum of five dollars (\$5.00) each per day.

Your next question is as follows:

"In section 21, referring to the matter of petitions for the nomination of candidates for county offices, does the word *containing* mean that petitioners are not required to sign petitions?"

Before having his name placed upon the primary election ballot, as a candidate for the nomination for any office, the nomination for which is required to be made under the Primary Election Law, the candidate must file in the proper office a petition of the requisite number of voters of his party. That is to say, a candidate for the nomination for a county office must file a petition in the office of the county clerk of his county, said petition containing at least 5 per cent of the lawful voters of his party in the county, to be based upon the last preceding presidential election; a candidate for the nomination for United States Senator must file in the office of the Secretary of State a petition *signed* by not fewer than 5,000 legal voters, members of the party in which he is a candidate for the nomination; a candidate for the nomination for Governor must likewise file in the office of the Secretary of State a petition *signed* by not fewer than 5,000 lawful voters, members of the party in which he is a candidate for nomination; a candidate for nomination for a congressional office and a candidate for nomination for a senatorial office shall file in the office of the Secretary of State a petition *signed* by at least 5 per cent of the voters in said district of his party cast at the last preceding presidential election for electors.

It will be noted, therefore, that the Legislature has used the word *signed* as applicable to all petitions except the petition of a candidate for the nomination for a county office. With respect to a candidate for the nomination for a county office, the Legislature has used the word *containing*.

From the several provisions of the statute above set forth, the leading and controlling purpose and intention is evident. That intention is that the petition of all candidates for the nomination for offices, required to be made under said Act, shall be signed by the petitioner.

The word *containing*, as used in section 21, is a word of very broad and general signification. The plain, ordinary meaning of the word is "holding within fixed limits, comprehend, comprise; include; hold. To comprise, as a writing; have, as contents." (Century Dictionary.)

Giving to this word then, its plain, ordinary meaning, namely, that the petition must have, as its contents, the names of at least 5 per cent of the lawful voters of the party in the county and construing it, as we must, with sections 22 and 23 of the Act, the evident purpose of the Legislature is that the petition of the candidate for the nomination for a county office must be *signed* by at least 5 per cent of the lawful voters of his party in the county.

Your next question is:

"Is it necessary that candidates for the nomination for county offices at the primary election comply with section 5½ of an act entitled, "An Act to amend

an Act entitled, 'An Act to provide for the printing and distribution of ballots at public expense and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot, approved June 22, 1891, in force July 1, 1891, and amendments thereto, by adding thereto a section to be known as Section 5½?"

Section 5½ is an amendment to what is known as the Australian Ballot law. Said section is applicable only to petitions of persons who desire to have their names placed upon the official ballot to be used at the general elections. It has no relation whatever to the Primary Election Act, which regulates the petitions of candidates for the nomination for offices. Section 5½ is applicable to persons who are independent candidates. It does not assume to regulate or apply in any manner to primary elections. It is not necessary, therefore, that the petition or petitions required by the Primary Act should conform with the provisions of section 5½.

\* The next question is:

"When the County Central Committee determines that the nomination of candidates for county offices shall be made by delegates chosen at the primaries, is it necessary that each candidate for the nomination for a county office shall file in the office of the county clerk a statement of intention and a petition?"

Section 21 provides for the filing of the statement of intention and for the filing of a petition. The wording of said Section 21 makes the filing of said statement of intention and said petition mandatory upon all candidates for the nomination for county offices. The word used in referring to each different paper, is "shall." That is to say,

"Any member of a political party desiring or intending to become a candidate for the nomination for a county office before the County Convention of his party \* \* \* shall \* \* \* file in the county clerk's office \* \* \* a statement of his intention \* \* \*."

"Each candidate for each county office \* \* \* shall also file a petition in the office of the county clerk \* \* \*."

That this section is mandatory is born out by an examination of additional sections of the Act. Section 52 provides that:

"No candidate for the nomination for any office, who has not complied with the provisions of this Act, shall be nominated by any convention: Provided, that any convention may by a four-fifths vote of all its members nominate a person whose name did not appear upon the primary ballot \* \* \*."

In order to be nominated, therefore, for a county office, a person must have his name placed upon the primary ballot of his party. The only means pointed out by the statute whereby a person whose name did not appear upon the primary ballot of his party, can be nominated at the county convention are as follows:

- (1) By a four-fifths vote of all the members of the county convention;
- (2) In case of a vacancy, the county convention may select any qualified person as a candidate to fill such vacancy.

(See Section 52.)

You submit this question:

"How will county clerks ascertain whether or not the names of the persons contained in the petition of a candidate for the nomination for a county office are the names of persons who affiliate with the political party to which the candidate, filing said petition, belongs?"

It must be borne in mind that the county clerk is not a judicial officer. He is a ministerial officer. He cannot exercise judicial functions. It is not for the county clerk to determine whether or not the petition is valid or fraudulent. When a petition is filed in his office containing the requisite number of names, it is the duty of the county clerk, as a ministerial officer, to file said petition and to assume, until the contrary is shown, that it is in good faith and contains the names of persons who affiliate with the party of the candidate filing the same. If the petition is fraudulent, it can be attacked in a judicial proceeding in a court having competent jurisdiction. It then becomes a judicial question subject to judicial review.

With this view of the law, it is unnecessary, therefore, to pass upon the further question submitted, namely:

"What constitutes party affiliation?"

The next questions are as follows:

"Does the law provide for the election of the County Central Committee?"

"Of how many members does the County Central Committee consist?"

The law specifically provides for the election of the County Central Committee. Section 43 provides:

"The Committeemen of each party elected within each county \* \* \* shall constitute the County \* \* \* Committee of such party."

The term of office of a primary committeeman is two years next succeeding the date of his election. The County Central Committee of each party, then, will be constituted of one member from each primary district.

The next question submitted is:

"Can a person, not a member of the County Central Committee, be made chairman of said County Central Committee? In other words, must the chairman, and other officers deemed necessary by the County Central Committee, be regular members of that body?"

Section 43 provides that within ten days after their election, the County Central Committee shall meet and "select a chairman and such other officers of the Committee as they may determine."

In this connection also the provisions of Section 55 should be taken into consideration. Section 55 provides as follows:

"The delegates of each party for each county, to all State, Congressional and Senatorial conventions shall be chosen and selected by the county convention of the respective party of said county, and not otherwise."

It will be noted that in speaking of the chairman and other officers of the County Central Committee, the Legislature has used the word select.

In speaking of the delegates to congressional, senatorial and State conventions, the Legislature has used the words chosen and selected. The Legislature it seems to me, has used the words deliberately and advisedly. It has used them and has given to them the common, ordinary meaning. The word choose is a general and indefinite term, signifying to take one out of two or more at random. The word select is a term less broad in signification and means, in its common, ordinary sense, to take or pick out from a certain designated number. (See Century Dictionary, under the word "select.")

In using the word select therefore, with respect to the chairman of the County Central Committee, it was the intention of the Legislature that said chairman and such other officers as the Committee might deem necessary, should be taken and picked from among the number elected as primary committeemen for that party in the county.

In using the words chosen and selected with respect to the delegates from the county to congressional, senatorial and State conventions, the Legislature intended that the delegates might be taken from the members of the convention or from the body of the party in the county.

Your next question is:

"How and by whom is the uniformity in size of the primary election ballots of each political party in each primary district to be determined?"

Section 25 prescribes that the method of voting at the primary election shall be by ballot, said ballot to conform to the requirements of the Act.

Section 26 prescribes that:

"The primary election ballot of each political party shall be separately printed upon paper of uniform quality, texture, and size and in black ink, but no two party primary ballots shall be printed upon paper of the same color or tint. The county clerk \* \* \* shall publicly announce the color of the primary ballots at least fifteen (15) days before a primary election."

Section 27 prescribes that the primary election ballots of each political party should be uniform (1) in quality; (2) in texture; (3) size; (4) printed in black ink; (5) and no two party primary ballots should be of the same color or tint.

By section 25, it is provided that:

"The county clerk \* \* \* shall furnish paper at cost to any person or persons who may desire to use the same for primary election ballots at his own expense."

By requiring the county clerk to furnish ballots at cost, it is clear that the Act has provided a means by which uniformity of quality and texture in primary election ballots may be ascertained. The county clerk must publicly announce the color of the ballots of each political party.

The only question, therefore, is who is to determine as to the uniformity in size of the primary election ballots.

In order to answer this question, it is necessary to review the various provisions of the Act and to ascertain the officer whose duty it is to perform the clerical services incident to holding the primary election. It will be granted that all clerical and ministerial services required to carry this law into execution are performed through the office of the county clerk. What then, are the duties of the county clerk with respect to the practical administration of this law?

The call for the county convention must be filed in the office of the county clerk. When such call is filed, it is his duty to give notice of such primary election. All necessary supplies for the election, including registry poll books and tally sheets, are furnished by him to the judges. Each candidate for the nomination for a county office files in his office a statement of intention and a petition. Candidates for the nomination for Governor, United States Senator, congressional offices and senatorial offices have their names certified to him. He furnishes paper at cost. Fifteen days before the primary election, he publicly announces the color of the ballots of each political party.

The returns of the election are made to, and canvassed by the county clerk. After the returns are made and canvassed, he is required to prepare a tabulated statement thereof.

There may be other provisions prescribing certain duties to be performed by the county clerk but the above are sufficient to show, with clearness, the intent of the Legislature that all the clerical work in and about the execution of the law should be performed by the county clerk.

No other ministerial officer has anything whatever to do with the execution of the law. The county clerk has on file in his office the statements of intention, or certified copies thereof, of all candidates for nomination for all offices to be filled at the primary election. He is the only officer, therefore, who would know officially the number of candidates whose names are to be placed upon the primary election ballot. Also the county clerk has filed in his office a call for the county convention. This call specifies the number of delegates in the county convention to which each primary district in the county in each party is entitled.

The law further specifies that each primary district shall elect one primary committeeman.

The particular intent of the Legislature is manifest that the ballots shall be uniform in size. This is clearly and unequivocally expressed in section 26.

The general rule is that effect must be given, if possible, to every word, clause and sentence of the statute. Statutes should be so construed that effect may be given to all and every provision, so that no part may be inoperative or superfluous, void and insignificant, and so that one section will not destroy another.

To determine the uniformity of size of ballots is a clerical function. When the Legislature imposed upon the county clerk the duty, among others, of furnishing paper at cost, and of announcing the color of the primary ballot of each party, it is evident that the Legislature intended, in the practical application of the law, that the county clerk should designate the size of the primary election ballot of each party in each primary district of his county. Manifestly it was in the contemplation of the Legislature that, in furnishing paper, in announcing the color of the ballot, and in performing various other ministerial acts, the county clerk would be required to prescribe the size of the ballot. Construing the statute thus carries out the beneficial purpose intended to be accomplished by the Legislature.

To hold that no person or officer is authorized to prescribe the size of the primary election ballots for each primary election district would be to render void more than one section of the Act and to make inoperative the intention of the Legislature as clearly expressed.

The next question is:

"If the ballots are not uniform in size in each primary district, will the primary election in such primary district be void?"

After providing that the ballots shall be uniform in size, quality and texture, and printed in black ink, and after providing, in detail, by section 27, for the size of type to be used, the Legislature say that:

"No primary ballot shall be used unless the same shall substantially comply with the requirements of this act, and any ballot not in accordance herewith shall be void for all purposes."

In my opinion, this section is mandatory. The general rule is that a statute which declares that the ballot shall not be counted which is cast in disregard and violation of certain prescribed forms is mandatory.

Lankford v. Gebhart, 130 Mo. 621.

The ballots, therefore, must comply with the provisions of the Act. If they do not substantially comply with the provisions thereof, then they shall be void for all purposes. The election in that primary district would not necessarily be void; but only the ballots which do not conform substantially with the provisions of the act and with the size, color, quality and texture prescribed by the county clerk, would be void.

Your next question is:

"Is it the duty of the county clerk to print the primary election ballots?"

There is no provision in statute requiring the county clerk to print the primary election ballots. Nowhere in the Act is it provided that the ballots shall be furnished at public expense. On the other hand, it is contemplated by the Act that the ballots shall be provided at private expense.

Your next question is:

"Must the names of all candidates for the nomination for county offices of each political party be printed on every primary ballot of that party?"

Section 27 provides, in speaking of the arrangement of offices and names on the primary ticket, as follows:

"Below the name of each office shall be printed, in smaller capital letters, the names of all candidates (alphabetically arranged, according to surnames) for the nomination for said office which are entitled to be placed upon the respective party primary ballot."

It follows, therefore, that the names of all candidates for the nomination for county offices, together with the names of the candidates for United States Senator, Governor, congressional office and senatorial office must be placed upon the primary ballot of the proper party in each primary district.

Your next three questions, which may be considered together, are as follows:

"Must each ballot of each party in each primary district contain the full number of delegates to which such district is entitled in the county convention?"

"Must the names of all delegates and primary committeemen of each primary district of each party be printed on every ballot of that party in that primary district?"

"How does the county central committee determine the total number of delegates which shall compose the county convention and the number of delegates to which each primary district will be entitled in the county convention?"

The county central committee is the political or managing committee. At a meeting held at least thirty days prior to the primary election, it determines upon the ratio, or basis, of representation in the county convention. Each county central committee determines for itself upon what ratio, or upon what basis, the various primary districts shall be represented in the county convention. The county central committee has full and complete power, as the governing committee of the party, to assign to each primary district the number of delegates such primary district shall have. The only restriction upon said county central committee is, that each primary district is entitled to at least one delegate. After determining, by its own method, the number of delegates to which each primary district is entitled in the county convention, it files a call for the county convention.

A person desiring to be a delegate is not required to file either a statement of intention or a petition. No means is provided by which the names of persons desiring to be delegates may be known officially. It would be impracticable and impossible to place the names of all delegates to the county convention on the primary ballot.

By the literal reading of paragraph 3 of section 27, each primary ballot "shall contain the names of all delegates to the county convention from such primary districts."

It is apparent, however, from a consideration of the whole act, that it was the intention of the legislature that each primary election ballot should contain only the number of names for delegates, heretofore determined by the proper county central committee, that the primary district is entitled to in the county convention.

The intention of the legislature that only the requisite number of delegates of that party from each primary district should be placed upon the primary ballot is evident from section 15, which provides that:

"The judges of elections shall permit each different ticket of delegates to be represented by a challenger chosen by a majority of those named for delegates on any particular ticket."

Here the legislature specifically recognizes that there may be several tickets of delegates for each party in each primary district. Again, the legislature recognizes this in providing by section 31 that:

"The judges shall receive from any person or persons, and permit to be freely and equally exposed in separate and orderly piles within the polling place, near the ballot box, and within reach of the voters, a sufficient supply of each of the various ballots provided for in this act, and shall, upon request, furnish to each and every person qualified to vote, one of each of the primary ballots of the party with which said person declares himself affiliated."

It is evident, therefore, from these two provisions of the statute that the legislature intended that there might be more than one ticket of delegates for each party in each district. If the names of all delegates for each party must be printed upon each ballot, then the provisions of section 31, that the judges

"shall, upon request, furnish to each and every person qualified to vote one of each of the primary ballots of the party with which such person declares himself affiliated,"

would be nugatory, meaningless and superfluous.

Such a construction was not contemplated by the legislature.

Your next question is as follows:

"Sub-section 3 of section 27 provides that unless the ballot substantially complies with the provisions of the Act it shall not be received, deposited or counted by any person or judge at such primary election. How is the judge to know whether or not it conforms to the requirements of this act when he receives or deposits the ballot."

If the ballot, as handed to the judge of primary elections, apparently conforms to the provisions of the act, it is the duty of the primary election judge to receive and deposit the same. However, when, after the close of the polls, the ballot box is opened and the ballots are canvassed, it is noted that a ballot does not conform substantially to the provisions of the Act, it is the duty of the primary election judge to disregard the same.

Your next question is:

"By whom and by what authority are the names of the candidates for delegates and primary committeemen printed on the primary ballot and how is it to be known who are candidates for delegates and primary committeemen?"

Section 25 prescribes that:

"The method of voting at a primary election shall be by ballot; which ballot shall conform to the requirements hereinafter made."

Section 26 prescribes that:

"The primary election ballot of each political party shall be separately printed upon paper of uniform quality, texture and size, and in black ink."

Section 27 prescribes specifically and in detail how the ballot of each political party shall be arranged and printed.



Each qualified primary elector is a competent candidate for a delegate to the county convention of his party and for county committeeman. Each qualified primary elector has the legal right to have printed, at his own expense, a primary ballot containing his name as a candidate either for a delegate to the county convention or for primary committeeman. The candidate for the nomination for each county office has the right to place on the primary election ballot of his party in each primary district, the names of the requisite number of delegates to the county convention of his party from that district.

In all cases, however, the ballots must correspond in size, texture, quality and contents with the requirements of the law.

Your next question is as follows:

"Is it necessary to print a square opposite the name of each delegate and committeeman, and, if so, by what authority is this done?"

Section 27 provides that:

"Immediately in front of and opposite the name of each candidate, shall be printed a square, and all squares upon the primary ballot shall be of uniform size."

The word candidate, as used in this connection, seems to be used as a generic term. The common, ordinary meaning of the word candidate is, one who is voted for at an election. It will be noted that the Legislature, in this connection, has not used the words "each candidate for the nomination for office," but has used the generic term, "each candidate," thereby comprehending as well delegates to the county convention and primary committeemen as candidates for the nomination for Governor, United States Senator, congressional office, senatorial office, and county office.

Your next question is as follows:

"Who is to determine the arrangement of offices on the ballot or the arrangement of the names of the candidates for the same office whose surnames commence with the same letter?"

As hereinabove noted, all ministerial services connected with the execution of this law are to be performed by the county clerk. The county clerk, therefore, will determine the arrangement of names of candidates for the nomination for office whose statements of intention, or certified copies thereof, are filed in his office, in the manner prescribed by the act.

Your next question is:

"Can primary ballots be distributed and in circulation outside the polling places, on primary election day, and can any person print ballots and have them distributed by the judges?"

The statute has not inhibited the circulation of primary ballots outside the polling places. The ballots do not become official ballots until handed to the judges to be deposited in the ballot-box, when the judge marks the same with his initials.

Section 33 contemplates that the ballot may be marked before coming to the polling place. That being the case, and the ballots not being printed by official authority, it follows that ballots can be distributed and in circulation outside the polling places on the day of a primary election. The judges of primary elections, however, can distribute ballots only by the method pointed out in section 31 of the act, which makes it their duty to receive from any person, or persons, and permit to be freely and equally exposed a sufficient supply of the various ballots provided for in the act.

Your next question is:

"Can a candidate for office have a cross printed in the square opposite his name and in the squares opposite the names of his candidates for delegates to the county convention, and in the square opposite the name of his candidate for primary committeeman, and not void such ballot?"

Section 33 provides that:

"The voter shall forthwith and without leaving the polling place retire to one of the voting booths and prepare his ballot, unless the same has been prepared prior to entering the booth by making a cross "X" in the square in front of and opposite the name of each candidate of his choice for each different office to be filled."

I am of the opinion that it would be illegal for a candidate thus to have crosses printed in the squares on the ballot. The Legislature contemplated that each primary elector should exercise his volition in marking the ballot.

The act provides that the voter shall make a cross, not that the cross shall be made by a printer.

It was contemplated that the primary elector should place his mark upon the ballot in token of his intention to vote as the ballot is marked; to print a cross in the square would not comply either with the terms or with the intent of the act.

Your next three questions may be considered together:

"Do the names of candidates for the nomination for county offices appear upon the primary ballot when the county central committee determines that the nomination shall be made by delegates chosen at the primary election?"

"Does Section 47 apply when the county central committee determines that candidates for the nomination for county officers shall be nominated by a delegate convention?"

"If the County Central Committee determines that candidates for the nomination for county offices shall be nominated by delegates chosen at the primary election, and the candidate for nomination for a county office receives a majority of the votes cast, but a minority of the delegates, will said candidate for the nomination for a county office be nominated?"

By Section 6 of the Act, it is provided that the County Central Committee shall meet,

"and at said meeting the said County Central Committee shall first determine whether or not the several county officers shall be nominated at the primary election, or by the delegates chosen at such primary to the county convention. \* \* \*"

By Section 52, it is provided that:

"No candidate for the nomination for any office, who has not complied with the provisions of this Act, shall be nominated by any convention. \* \*"

By Section 27, it is contemplated that the names of all candidates for the nomination for a county office shall be placed upon the primary ballot.

By Section 47, it is provided that if it shall appear from the tabulated statement of returns, that:

"Any candidate for the nomination for a county office has received a majority of all votes cast by his party in his county at the primary election, such candidate shall thereupon be declared duly nominated by the convention without the formality of a ballot."

It is the intention of the Legislature that a candidate for the nomination for a county office, receiving a majority of all the votes of his party in the county for that office, shall be declared the nominee of his party. This intent is specifically pointed out in Section 47 of the statute.

However, the County Central Committee has the right to provide that the candidate for the nomination receiving the highest number of votes of his party in the county may be declared the nominee.

The provisions of this Act may be harmonized, therefore, and the intention of the Legislature be fully carried out by construing these various sections together to mean that in any event the candidate for the nomination for a county office receiving a majority of all the votes cast for that office in his county, shall be declared the nominee, even though the County Central Committee decide that the nomination shall be made by a delegate convention. The nomination will be made by a delegate convention when no candidate for the nomination for a county office has received a majority of all the votes cast in that county for that office, provided, the County Central Committee has not passed a resolution that the nominations shall be made by a plurality vote.

Whether or not the County Central Committee determines that nominations shall be made by a delegate convention, the candidates for the nomination for county offices must submit themselves to the judgment of the qualified primary electors of their party.

The primary election law has provided a means by which the judgment of the primary electors may be determined, and the will of the people registered. While we may concede that some of its provisions are apparently contradictory, and while it will require a decision of the Supreme Court to remove some doubts, yet the law as it stands, and considered as a whole, is not so inharmonious or inconsistent as to affect, in a material degree, its proper execution.

Provisions apparently inconsistent, upon a closer view of the law, are shown to be capable under well settled rules of statutory construction, of being harmonized with the general purpose and intent of the Legislature.

Very respectfully.

W. H. STEAD.

*Attorney General.*

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ONLY MEMBERS OF A POLITICAL PARTY ENTITLED TO PARTICIPATE.

Dec. 13, 1905.

*Hon. W. A. Lux, State's Attorney, Sullivan, Ill.:*

DEAR SIR—You ask \* \* \* "what is the signification of that provision in the affidavit of the primary elector which requires him to make oath that he has not signed any nominating petition." Replying thereto, I would state that section 31 relating to the qualifications of a primary elector provides in part as follows:

"No person who refuses to state his party affiliations, or who shall have signed a nominating petition for an independent candidate, or for a candidate of an opposing political party as now authorized by law shall be allowed to vote at a primary election."

In my opinion the provision of the affidavit refers to the nominating petition for an independent candidate; that is, a petition to have the name of an independent candidate placed upon the official ballot to be used at the general election. By signing the petition of an independent candidate, or by signing the petition of a candidate of an opposing political party, the primary elector cannot truthfully swear that he is a member of, or affiliates with the party with which he proposes to vote. The theory of the Primary Election Law is that it is designed to regulate and promote party government, and only members of a political party are competent to participate in these elections.

Very respectfully,

W. H. STEAD,

*Attorney General.*

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FEES—HOW APPORTIONED—TO WHOM PAID. NOT NECESSARY THAT PETITIONERS SHOULD HAVE ACTUALLY VOTED AT LAST ELECTION.

Nov. 21, 1905.

*Hon. P. H. O'Donnell, State's Attorney, Belvidere, Ill.:*

DEAR SIR—In my letter to you of recent date, I stated that I would, at my earliest convenience, take up the questions submitted by you on the 16th inst., not answered specifically in an opinion rendered at the request of Hon. F. L. Hatch.

The questions submitted by you, and not answered in the opinion to Mr. Hatch, are as follows:

1. "To whom should candidates pay the fee provided for?"
2. "Who apportions the fees to the different counties of a district?"
3. "What should be done with the money so paid?"
4. "Should signers of a petition be members of a party who actually voted at the last presidential election, or simply 5 per cent of the number who so voted?"

I shall consider the first three of the above questions together. I assume that the fees to which you refer are the fees to be paid by candidates for the nomination for congressional and senatorial offices.

Section 23 of the Primary Election Act provides that a candidate for the nomination for representative in Congress and member of the General Assem-

bly shall have his name printed on the primary ballot by filing in the county clerk's office in the county in which he resides, and copies thereof in other counties of the district, a written request, substantially in the form prescribed.

Section 23 then continues:

"The candidates mentioned in this section shall pay the following fees: Each congressional candidate, \$100; each candidate for senator, \$50; each candidate for member of the House of Representatives, \$25; and fees shall be equally divided among the respective counties of the district . . . ."

By providing that fees should be equally divided among the counties of the district, each county would be entitled to its proportionate share. In order to divide the fees equally two courses are open to the candidates for the nomination for a senatorial or a congressional office. He can either pay the whole fee to the county clerk of the county in which he resides and allow the county clerk to retain the proportion of the fee to which his county is entitled, and instruct the county clerk to forward to the other counties of the district the proportionate share to which each of the other counties is entitled; in the second place, the candidate himself can make the distribution and pay to the county clerk of each county in his district the portion of the fee to which each county is entitled.

When this money is received by the county clerk, it will be accounted for and paid over by him, the same as other fees.

Answering your fourth above question, I would state that each candidate for the nomination for a congressional or senatorial office is required to file in the office of the Secretary of State a petition signed by at least five per cent of the voters of his party cast at the last preceding Presidential election. The candidate is required to file a petition containing the names of five per cent of the lawful voters affiliated with his party. The law nowhere requires that the persons signing the petition shall have voted at the last preceding Presidential election.

Very respectfully,

W. H. STEAD,  
Attorney General.

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COUNTY CENTRAL COMMITTEE.—UNTIL COUNTY CENTRAL COMMITTEE IS ELECTED  
IN APRIL, 1906, PRESENT COMMITTEE ACTS UNDER RULES  
PRESCRIBED BY PARTY ORGANIZATION.

December 9, 1905.

*Hon. George N. Seago, State's Attorney, Jerseyville, Ill.:*

DEAR SIR—I have your favor of recent date, in which you state that it has been the practice of the political parties in your county to select one person from each of the voting districts of the county, as members of the county central committee. The same convention would then select a member from the body of the county as chairman of said county central committee. You state that there is a vacancy contemplated in one of the parties, in said chairmanship. The question submitted is whether or not, in case of a vacancy, the chairman should be selected from the present committee?

Replying thereto, I would state that the members of the county central committee to be elected under the primary act will not be elected until a primary election is held on the last Saturday in April. In my opinion, the law relative to the selection of a chairman of the county central committee applies only to the county central committee elected under the provisions of the primary law. Until a county central committee is elected under the provisions of said law, I am of the opinion that the present county central committee will act under the rules prescribed by the party with which it is affiliated.

Very respectfully,

W. H. STEAD,  
Attorney General.

## DOES NOT APPLY TO TOWNSHIP OFFICES.

June 27, 1905.

*Mr. C. E. Sackett, Garden Prairie, Ill.:*

DEAR SIR—I have your favor of the 21st inst., in which you ask if that part of section 1 of the Primary Election law which provides that the Primary Election law shall apply to all “officers of any city, village or incorporated town organized under any general or special act of this State” is applicable to townships having a population of 1,000 or more.

The word “town” is employed to designate a township, but the term “incorporated town” is seldom, if ever, employed to embrace such a body. The term “incorporated town” as used in the Primary Election law does not mean a township.

Very respectfully,

W. H. STEAD,  
*Attorney General.*

SECTION 5½ AUSTRALIAN BALLOT LAW NOT APPLICABLE—PRIMARY ELECTOR  
MAY SIGN PETITION OF MORE THAN ONE CANDIDATE FOR  
THE SAME OFFICE.

Sept. 8, 1905.

*Hon. J. W. Keeslar, State's Attorney, Danville, Ill.:*

DEAR SIR—I am in receipt of your favor of the 5th inst., in which you submit the question whether or not all candidates for county offices at the primary election should comply with section 5½ of an act entitled,

“An act to amend an act entitled, ‘An act to provide for the printing and distributing of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot, approved June 22, 1891, in force July 1, 1891, and amendments thereto, by adding thereto a section to be known as section 5½.’”

I am also in receipt of a letter from Hon. W. R. Jewell of Danville, Ill., in which the question is submitted whether or not a primary elector can sign more than one petition for candidates for the same office under the provisions of section 21 of an act entitled,

“An act to provide for the holding and regulation of primary elections.”

Replying to the first above inquiry, I would state that I am of the opinion that section 5½ of the election act does not apply to primary elections. Section 5½ simply provides the form of the petition by which a person may have his name printed on the official ballot at the general election. It has no relation to and does not assume to regulate or to apply in any manner to primary elections.

Replying to the inquiry contained in Mr. Jewell's letter, I would state that section 21 of the Primary Election Act provides that any member of a political party desiring to become a candidate for the nomination for a county office shall file his statement of intention in the county clerk's office. Section 21 then continues:

“Each candidate for each county office \* \* \* provided for in this act of the respective parties shall also file a petition in the office of the county clerk, \* \* \* containing, at least, 5 per cent of the lawful voters of the party in the district or territory in which he desires to be a candidate, to be based upon the last preceding presidential election.”

From the above quotation from the statutes, it will be noted that the Legislature has placed no limitation upon the number of petitions of his own party an elector may sign. The Legislature has not prohibited an elector from signing the petitions of any number of candidates for the same office. The Legislature seems to have contemplated that a candidate for the nomination for a county office shall have filed a petition containing, at least, 5 per cent of the lawful voters of the county irrespective of whether or not any or all of the petitioners had signed the petition papers of any other candidate for the nomination for the same office.

I am of the opinion, therefore, that an elector, under the law, may sign any number of petitions for the nomination of candidates of his own party for any county office.

Very respectfully.

W. H. STEAD,  
*Attorney General.*

#### AS APPLICABLE TO CITIES.

January 23, 1906.

*Hon. Frank T. Reid, City Clerk, Springfield, Ill.*

DEAR SIR—I acknowledge receipt of your favor of the 22nd inst., and note carefully what you say. Until recently, I have given very little consideration to the construction of the primary election act as applied to cities, villages and incorporated towns having a population in excess of 1,000 inhabitants. As this office would not be called upon officially to construe said act as applicable to said municipalities, I assumed that, as applicable to cities, it would be construed by the local authorities. However, the demand for an opinion upon this law as applied to cities has been so insistent that I have carefully examined the law as applied to such municipalities. Upon such examination of the law, candor compels me to state that its application to cities, villages and incorporate towns is by no means clear.

It has been the holding of this office that the primary law is intended to govern and regulate the nomination of candidates by political parties as defined in the act.

Section 1 of the act specifically says that the nominations of candidates for offices therein specified to be made "by all political parties as defined in this act shall be made by means of a primary election under the provisions hereof."

Section 3 then specifically defines what shall constitute a political party.

If, therefore, nominations of candidates for city offices are not made, by political parties as defined in the act, it is my opinion that the primary election law does not apply.

Section 2 of the primary law provides that nothing in the primary act shall be construed to prevent the nomination of candidates by petition pursuant to the provisions of sections 4, 5 and 6 of the Australian ballot law. Section 5 of the Australian ballot law refers specifically to nomination by petition. It provides when the petition shall be filed. Section 5, however, in my opinion, has been modified by section 2 of the primary act so that petitions of candidates for office must be filed on or before 12 o'clock noon of the day previous to the day fixed for the primary election under the provisions of the primary act. That is to say, petitions of candidates to have their names placed upon the official city ticket must be filed on or before 12 o'clock noon of Friday, March 2, 1906.

As originally drawn and introduced, the primary election bill established the county as the unit, and provided for primary elections to be held in counties. As applied to counties, the bill was drawn with the idea of utilizing, as far as practicable, the general election machinery for the purposes of primary elections. With respect to the selection of the judges, the designation of the polling places, the furnishing of necessary election supplies, the returns of election, the canvassing of the returns, and many other things it followed very closely the general election law.

Later, however, certain provisions were introduced in order to make it applicable to nomination of candidates for all city offices. A careful study of the act reveals the fact that, as applied to cities having a population of more than 1,000 inhabitants, it has not been wholly harmonized. The Legislature has not pointed out specifically the manner of its enforcement.

Section 1 provides that it shall apply to the nomination of all officers of any city, village or incorporated town organized under any general or special act of this State, provided said cities contain a population of 1,000 inhabitants.

Section 5 provides that primaries shall be held in cities "on the first Saturday of March, in the years in which their officers are to be elected."

Section 8 prescribes the duty of the city clerk as to the preparation of the notice of primary election, and mailing of such notice.

Section 18 provides that the city clerk shall furnish all necessary supplies.

Section 20 requires the city clerk to furnish tally sheets.

Section 21 provides that a candidate for a city office shall file in the office of the city clerk a statement of intention. It further provides that such candidate shall file a petition containing at least 5 per cent of the lawful voters of the party in the district or territory in which he desires to be a candidate.

Section 25 provides that the city clerk shall furnish paper at cost to any person who may desire to use the same for primary election ballots at his own expense.

Section 26 provides that the city clerk shall publicly announce the color of the primary ballot of the respective parties.

Section 27, paragraph 2, prescribes the order in which the names of candidates shall be printed upon the primary ballot.

Section 42 provides for a certificate of election for committeeman; and section 43 provides for the term of service of such committeeman.

Section 48 provides that the canvas bag containing the sealed envelopes, etc., shall be furnished the primary judges by the city clerk.

Section 49 provides for the opening and canvassing of the returns.

There may be other sections which relate to the duties of the city clerk, and to primaries as held in cities, but the sections referred to, I think, comprise all of the sections in which reference is made to the primary act as applicable to cities having a population of more than one thousand inhabitants.

So far as applicable to the nomination of candidates for county offices, in counties having a population of less than one hundred and twenty-five thousand, the act, considered as a whole, is fairly clear. But as applied to cities, it is incomplete and indefinite. As far as the Legislature has gone, it has provided that the nomination of candidates for city offices shall be analogous to the nomination of candidates for county offices. It was, no doubt, the intention of the Legislature to provide that the manner of conducting, holding and regulating primary elections in cities should be the same, as nearly as may be, as in the case of primary elections held for the purpose of nominating candidates for county offices.

In my judgment, if the primary election law as applied to cities is carried out with this idea in view, and is carried out as nearly as may be as in the case of primary elections in counties, then the legislative will will be executed.

I am aware that this solution leaves many questions unanswered. They are not answered by the law; neither are they answered by any analogy furnished by the law.

The regular election judges constitute judges of primary elections. Such regular election judges are appointed by the county board, and hold their office until their successors are appointed and qualified. However, election districts, or election precincts, as the case may be, are not always co-extensive with the wards of a city. It could not have been the intention of the Legislature that judges of general elections should be the judges of primary elections held in cities. It was, no doubt, the intention that the regularly constituted judges of city elections should be the judges of primary elections in cities. I find no provision, however, by which the judges of a city election hold their office until their successors are appointed and qualified. The city council designates and appoints the judges and clerks of each city election. This designation is required by law to be made twenty days prior to such election. If a special election becomes necessary, then the city council appoints the judges for such special election. In the case of cities, therefore, there is no body of persons in each ward ready at all times to preside as judges at all city elections held in such wards. If, therefore, the judges of city elections will act as judges of primary elections in cities, it will be necessary for the city council to appoint the judges of general city elections before the first Saturday in March of this year.

A further difficulty has been suggested with respect to the nomination of candidates for aldermen. This difficulty is not answered by anything contained in the primary law.

I fail, also, to find that the date of the city convention, if nominations are to be made by a city convention, has been fixed.

I can only repeat what I stated in my letter to Mr. Hatch, that the primary ballots shall be paid for at private expense. It is made the duty of the city clerk to furnish such ballots at cost.

You refer in your letter to section 79 of the primary act, which provides for the fees to be paid by the candidates named therein. It is my understanding that this section is not applicable to cities situated in counties having a population of less than 125,000 inhabitants. Hence, it would not be applicable to a city of the size of Springfield.

There are many other questions which might be asked, and which are not answered by anything stated in the primary law. In applying this law to cities, as above indicated in this letter, it will be necessary for political parties in such cities to follow, as nearly as may be, the law as applied to the nomination of candidates for county offices.

Very respectfully,  
W. H. STEAD,  
*Attorney General.*



NOTE—The following three primary election acts were in force prior to the enactment of the Primary Law of 1905. In absence of a judicial decision, this department will not undertake to determine whether the acts were wholly repealed by the act of 1905 or whether they are still applicable to the nomination of candidates not enumerated in that act.

JAMES A. ROSE,  
Secretary of State.

## PRIMARY ELECTIONS.

### *Voluntary Associations.*

AN ACT to regulate primary elections of voluntary political associations, and to punish frauds therein. Approved June 6, 1889.

1. WHEN PRIMARY ELECTIONS TO BE HELD UNDER THIS ACT.] [§ 334, Ch. 46, R. S.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all elections hereafter to be holden by any voluntary political association or party, for any candidate for any office, or for any delegate or managing committee, or for the nomination of candidates for public office, shall be held under the provisions of this act, whenever any committee or body authorized by the rules or customs of such political association shall elect to accept and act under such provisions.

2. DESIRE MUST BE EXPRESSED BY A RESOLUTION.] [§ 335, Ch. 46, R. S.] Whenever it shall be the desire of any such committee or body, that such election shall be held under the provisions of this act, such desire and acceptance shall be expressed by a resolution duly passed by such committee or body, which resolution shall state that such election will be held under the provisions of this act under the title of "Primary Election Law."

3. COMMITTEE—TIME AND PLACE OF ELECTION.] [§ 336, Ch. 46, R. S.] Said committee or body shall fix the time and place of holding such election and the hours between which the polls are to be kept open, and the polls shall in all cases be kept open from 1:00 o'clock p. m. to 7:00 o'clock p. m. of the day on which the election is held; they shall also appoint three reputable persons to act as judges and two reputable persons to act as clerks at each polling place: *Provided*, That in cities and towns or villages where there is a board of election commissioners having jurisdiction of general elections, said central or controlling committee shall select the judges and clerks from the list of regular election judges and clerks in each ward or voting district to serve at such primary election representing the political association or party calling said primary election. Said judges and clerks, together with the central committeeman who acted with the central or controlling committee in calling said primary election, shall not be eligible as delegates, alternates or proxy at such primary election, or allowed to sit as such in any convention, meeting or caucus held for the election to which said primary election or elections is being held.

4. NOTICE OF ELECTION UNDER THIS ACT—WHAT TO CONTAIN.] [§ 337, Ch. 46, R. S.] At least ten days prior to any such election, a notice of such election shall be published in some newspaper or newspapers of general circulation in the district, ward, precinct, township, city or county, in and for which the election is called; such notice must be signed by the secretary of the committee or body calling such election, and must state the purpose, time, together with the place or places of holding such election, with a description of each primary election district, and the three persons shall be named therein who are appointed for each polling place to act as judges and two persons to act as clerks of said election, and who shall supervise or preside at such election in the primary election district for which they are respectively appointed, and such judges and clerks shall be legal voters and householders in one of the regular election precincts within the primary election district for which they are named. Such notice shall also declare that such election therein called will be held in pursuance of and subject to the provision of this act, under the title of "Primary Election Law," and any election held in pursuance of any notice calling for an election under the "Primary Election Law," shall be taken and deemed to be an election under this law.

5. JUDGES—CLERKS—OATHS—DUTIES—PENALTY.] [§ 338, Ch. 46, R. S.] The persons named as judges and clerks of election in the notice required by section four of this act, or any person assuming or chosen to be such judges and clerks in the absence, refusal or failure to act of any of the judges or clerks named in such notice; shall first make oath or affirmation that they are legal voters and householders in one of the regular election precincts within the primary election district for which they were appointed to serve; that they will faithfully and correctly conduct such election, protect it against all frauds and unfairness, carefully and truly canvass all votes cast thereat, and in every way conform to the provisions of this act and of the notice for the election, which oath may be administered by any one of the judges, or by any person authorized under the laws of the State to administer oaths. And if one or all of the judges appointed to serve at the election be absent, or fail or refuse to serve at the hour appointed for the election to begin, then the electors present, to the number of not less than five, possessing the qualifications of persons entitled to vote at said election, shall choose a person or persons to fill any vacancy that may exist. Any violation of the provisions of this section shall be deemed a misdemeanor, and shall subject the offender, on conviction, to punishment by a fine of not less than \$50, nor more than \$200, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment in the discretion of the court.

6. WHO MAY VOTE—COMMISSIONERS—LISTS—PENALTY FOR VOTING CONTRARY TO THIS ACT.] [§ 339, Ch. 46, R. S.] Every legal voter entitled to vote at regular elections within any election precinct, included within the primary district of which he is a resident, and who is a member of the political association or party holding the primary election, shall be entitled to vote at such primary election: *Provided*, that in cities, towns or villages, where there is

a board of election commissioners having jurisdiction of general elections, no person shall be allowed to vote unless he shall be a member of the political party or association holding such primary election, and shall, upon demand, give the judges his name and place of residence, and he shall state upon like demand (if made) that he has not voted at any other primary election held by any other political association or party for a period of one year prior to the date of the primary election then held. He shall not have voted at this or any other poll at any primary election held that day, nor shall he be allowed to vote unless, in addition to the qualifications hereinbefore prescribed, he is a registered voter in one of the election precincts contained within the primary election district wherein he resides, and it shall be the duty of the board of election commissioners to furnish and distribute among the judges of every primary election held under this act, complete lists of the registered voters in each election precinct contained within their respective primary election districts. Any person who is not a member of the political association or party holding a primary election, who votes at such primary election, shall be deemed guilty of a misdemeanor, and shall be subject, on conviction, to punishment by a fine of not less than \$50 nor more than \$200, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment, in the discretion of the court; and in any prosecution for the violation of the provisions of this act, wherein the fact as to the political party or association to which the defendant belongs is material, such membership may be shown by evidence of general reputation in the neighborhood where said defendant resided at the time of committing the alleged offense as to the political party or association to which he belonged.

7. COMMITTEE TO DIVIDE DISTRICT—NUMBER OF VOTERS IN.] [§ 340, Ch. 46, R. S.] The committee or body electing to hold a primary election under this act shall divide the district, ward, township, city, town or village into primary election districts. Such primary election districts shall be formed of contiguous election precincts in as nearly compact form and as nearly equal as circumstances will permit; and no such primary election district shall be formed which shall contain more than 800 voters of the political association or party holding the primary election, the number of such voters to be determined by the vote cast at the last preceding presidential election. At any primary election held under this act, the voters of each of such primary election districts entitled to vote at such election shall choose their own representatives or delegates.

8. JUDGES MAY HEAR OBJECTIONS—OATH—REGISTERED VOTER—CHALLENGE—PENALTY.] [§ 341, Ch. 46, R. S.] It shall be the duty of the judges of said election to entertain objections made by any qualified elector within his own primary election district, to any vote which may be offered on the ground that the person offering it is not a citizen of the United States, or a legal resident and voter under the general election laws of the State, of the election precinct, ward, township, district, city, town or village for which the election is held; or that he is not a member of the association or party hold-

ing such election, or in case such person offering to vote should be registered by the terms of this act, that he is not a registered voter, or that he has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate, or that he has voted before at that place or some other place on that day, or at the same election; and it shall be the duty of one of the judges of the election, if such objection be not withdrawn, to administer to the person so offering to vote, an oath or affirmation to the general effect that he will truly testify to all matters relating to his qualifications under the general election laws of the State, to his residence, citizenship, the political party or association to which he belongs, receiving or being promised, directly or indirectly, any money, fee or reward for his vote from any candidate or any other person, or whether he has voted at that or any other place on that day at such election, either in his own name or that of another, or under an assumed name. It shall then be the duty of the judges to interrogate the person so objected to as to all matters in particular upon which said objection was made, and generally, as to all of his qualifications as an elector at such election. If the person so objected to shall refuse to answer any questions asked, after said oath or affirmation shall have been administered, or shall refuse to take such oath, it shall be the duty of the judges to reject such vote, and they shall also reject such vote unless such person shall file with them a written or printed, or partly written or printed statement, by him signed under oath that he is a qualified voter of the election district in which such election is held, and entitled to vote at such election; and unless such statement shall be accompanied by a similar statement of some person known to at least one of the judges to be a qualified voter in that district, to the effect that he knows the person so challenged, and that his statement is true, which said last statement must also be subscribed by the party making it. Such statement must in all cases, expressly state that the person making it is a member of the political association or party holding the election. If such statement shall be filed and such oath be taken, and such questions answered in such a manner as to show that the applicant is qualified to vote at such election, it shall be the duty of the judges of the election to receive such vote, and the word "sworn" shall be noted opposite the person's name on the poll lists to be kept as hereinafter provided. Any violations of the provisions of this section by the judges of the election, or either of them, shall be deemed a misdemeanor, and, upon conviction, shall subject the party so offending to punishment by a fine of not less than \$100 nor more than \$300, or by imprisonment in the county jail for not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court; and any person who shall, upon taking such oath or affirmation, and under the examination herein authorized, or in the written statements herein required, wilfully make a false statement as to a matter pertinent and material in such examination, shall be deemed guilty of a perjury, and upon conviction thereof, be punished as prescribed by law for such offense.

9. **FRAUDULENT VOTING—BRIBERY—CORRUPT PRACTICES, ETC.—PENALTY FOR VIOLATING ACT.]** [§ 342, Ch. 46, R. S.] Whoever fraudulently votes more than once at any primary election, or offers to vote after having voted once at such election, or knowing that he is not a qualified voter at such election, wilfully votes or offers to vote at such election; or

Second—Wilfully aids or abets any one not qualified to vote at such primary election in voting or attempting to vote at such election; or,

Third—By offering a reward or bribe, or by treating or giving to him any spirituous, malt or other liquors, either directly or indirectly, influences, or attempts to influence, any voter in giving or withholding his vote at such election; or,

Fourth—Furnishes a voter with a ticket or ballot informing him that it contains a name or names different from those which appear thereon, with the intent to induce him to vote contrary to his intentions; or

Fifth—Fraudulently or deceitfully changes a ballot of a voter with intent to prevent such voter from voting for such person as he intended; or,

Sixth—Endeavors to prevent the voting of any voter, or the exercise of lawful influence by any person over a voter at such election for himself or for or against any person, by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or by such means; or,

Seventh—By bribery or corrupt or unlawful means prevents or attempts to prevent any voter from attending or voting at such election; or,

Eighth—Gives or offers to give any valuable thing or bribe to any judge or clerk of such election, as a consideration for some act to be done or omitted to be done contrary to his duty in relation to such election, or shall interfere with or disturb in any manner any election held under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding \$500, or by imprisonment in the county jail not less than two nor more than six months, or both such fine and imprisonment, in the discretion of the court.

10. **QUALIFICATIONS OF VOTERS.]** [§ 343, Ch. 46, R. S.] The judges of such primary election or elections shall not require any other or further qualifications of voters at such primary election than those provided in this act, and they shall permit a challenger for each adverse interest or party in the result of such primary election to be and remain within each polling place where such primary election is being held, and give ample time and opportunity to any challenger or any other person to challenge each vote as the same is presented; said challengers shall be residents of the primary districts for which they are chosen. The poll list shall contain the name of each voter with his residence in the order which the votes were cast, and the

judges and clerks shall see to it that the ballot cast by each voter shall receive the same number that is entered opposite the name of such voter on such poll list in the order of and as the votes are cast.

11. FORM OF POLL AND TALLY LISTS.] [§ 344, Ch. 46, R. S.] The following is substantially the form of the poll lists and tally lists to be kept by the judges of election:

#### POLL LIST

Of the primary election held in the.....primary election district of the.....ward of.....in the county of.....on the.....day of.....in the year.....; A B, C D and E F, judges, and A B and C D, clerks of said.....election, were respectively sworn (or affirmed) as the law directs previous to their entering on the duties of their respective offices.

Number and name of electors voting:

No.	Name and residence.	No.	Name and residence.
1.	A B.	3.	E F.
2.	C D.	4.	G H.

We hereby certify that the number of electors voting at this election is.....

A B,

C D,

*Clerks.*

A B,

C D,

E F,

*Judges of Election.*

#### TALLY LIST.

Names of persons voted for, and for what position, and number of votes given for each candidate.

We hereby certify that A B had.....votes for.....and C D had.....votes for....., that E F had.....votes for.....etc.

A B,

C D,

*Clerks.*

A B,

C D,

E F,

*Judges of Election.*

12. OATHS.] [§ 345, Ch. 46, R. S.] Any one of the judges may administer and certify oaths required to be administered during the progress of an election held under this act.

13. HOW BALLOTS PRINTED.] [§ 346, Ch. 46, R. S.] When the primary election is held for the election of delegates the ballots shall be written or printed, or partly written and partly printed, and when printed or partly printed and partly written they shall be upon plain white paper without distinguishing marks, the paper to be common print paper and the ballots to be  $3\frac{1}{2}$  by 6 inches in size.

14. BALLOT BOX—HOW KEPT.] [§ 347, Ch. 46, R. S.] Before receiving any ballots the board must, in the presence of the persons

assembled at the polling place, open and exhibit and then close the ballot box; and thereafter it must not be removed from the polling place, nor the view of the by-standers, until all the ballots are counted, nor must it be opened until after the polls are finally closed.

15. PROCLAMATION.] [§ 348, Ch. 46, R. S.] Before the judges receive any ballots they must cause it to be proclaimed aloud, at the place of election, that the polls are open.

16. CLOSING THE POLLS.] [§ 349, Ch. 46, R. S.] Fifteen minutes before the time when the polls are to be closed the fact must be proclaimed aloud, at the place of election, and after the polls are closed no ballots must be received.

17. CANVASS—HOW MADE.] [§ 350, Ch. 46, R. S.] As soon as the polls are finally closed the judges and clerks must immediately proceed to canvass the votes given at such election. The canvass must be public, in the presence of the bystanders, and must be continued without adjournment until completed, and the result thereof is declared, and must also be conducted at the polling place where the election is held, where, also, the result as to each candidate voted for must be, immediately on the completion of such canvass, publicly proclaimed by each one of the judges successively, in a loud voice, and such proclamation shall be *prima facie* evidence of the result.

18. JUDGES CONDUCTING THE CANVASS.] [§ 351, Ch. 46, R. S.] In conducting the canvass, the judges shall first count the whole number of ballots in the box, and if the number of such ballots shall be found to exceed the number of names entered on the polling lists they shall reject the ballots, if any be found, upon which no number is marked, or so many thereof, without opening the same or examining or looking at the names thereon, as may be necessary to make the number of ballots correspond to the number of names entered on the polling lists, but if the number of ballots, after rejecting all the unnumbered ballots, still exceeds the number of names entered on the polling lists, they shall be replaced in the box, and one of the judges shall publicly draw out and destroy so many ballots, unopened, and without examining them, as shall be equal to such excess.

19. LISTS—HOW MADE.] [§ 352, Ch. 46, R. S.] The number of ballots agreeing, or being thus made to agree, with the number of names on the list, the list must be signed by the judges and clerks of election, and the number of names thereon must be set down in words and figures at the foot of each list, and over the signatures of the judges, substantially in the form prescribed in section 11.

20. AFTER LISTS SIGNED, JUDGES TO COUNT THE VOTES.] [§ 353, Ch. 46, R. S.] After the lists are thus signed, the judges must proceed to count and ascertain the number of votes cast for each person voted for. The ballots must be taken out and opened by one of the judges, and by him distinctly read aloud and inspected by the other two judges.

21. TALLIES—HOW MADE.] [§ 354, Ch. 46, R. S.] The clerks must write down each office or position to be filled, and the name of each person voted for to fill such office, and keep the number of votes for each person for each office by tallies as they are read aloud.

22. LISTS TO BE SIGNED BY JUDGES.] [§ 355, Ch. 46, R. S.] As soon as all the votes are counted, there must be attached to the tally lists, lists containing the names of the persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the judges and clerks substantially in the form given in section 11.

23. TO DESTROY THE BALLOTS—STATEMENTS AND LISTS TO BE FILED WITH COUNTY CLERK.] [§ 356, Ch. 46, R. S.] After counting the votes, proclaiming the result and signing the lists, as above provided, and cause the statements provided for in section 8, and one copy of the lists to be delivered to the secretary signing the notice of election, and one of the judges must retain the other lists together with the ballots, for twenty days after the election, and such statements and lists returned to the said secretary, shall be by him, after the expiration of twenty days, delivered to the county clerk of the county in which such election was held, and by that officer kept with the other books and papers of his office, open like other public records to public inspection, for the space of three months, at the end of which time, if no legal proceedings have been instituted, in which such lists or statements may be useful as evidence, said county clerk may then destroy the same.

24. CERTIFICATES TO BE ISSUED.] [§ 357, Ch. 46, R. S.] The primary election judges or a majority of them must issue certificates of election to all persons who are chosen to fill any position by the vote of their primary election district.

25. PENALTY FOR VIOLATING THIS ACT.] [§ 358, Ch. 46, R. S.] If any person shall be guilty of any violation of this act, for which no punishment is herein especially provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined no less than \$50 nor more than \$200, or imprisoned in the county jail not less than one month nor more than six months, or punished by both such fine and imprisonment, in the discretion of the court.

26. WHO MAY VOTE.] [§ 360, Ch. 46, R. S.] It shall be unlawful for any person to vote at any primary election, or at any election called to select delegates to any convention, called either for the purpose of nominating a candidate or candidates for any elective office, or for the purpose of selecting other delegates to such convention, unless such person so voting, or offering to vote, would be a qualified elector in the district embraced within the call for said primary election, if the same was a general or special election, held under and in conformity with the general election laws of this State.

27. VIOLATING ACT—PENALTY.] [§ 361, Ch. 46, R. S.] Any person violating the provisions of this act, shall, on conviction thereof, be fined in any sum not less than \$100 nor more than \$500, or imprisoned in the county jail not less than three nor more than six months, or both, in the discretion of the Court.



## PRIMARY ELECTIONS

*Optional in Counties of Less Than 125,000.*

AN ACT providing for primary elections of delegates to nominating conventions of political parties or organizations, and to provide for the purity thereof. Approved April 24, 1899.

28. TO WHAT COUNTIES THIS ACT APPLIES.] [§ 362, Ch. 46, R. S.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in all counties having a population of less than 125,000, as shown by the last federal census, incorporated cities, towns or villages, the primary election for delegates to constitute the various conventions of the different political parties or organizations held to nominate candidates for public office in this State, or any part thereof, or for Congress of the United States, shall be chosen in the manner provided in this act: *Provided*, said act be adopted as hereinafter provided.

29. WHAT ORGANIZATION MAY HOLD—TIME.] [§ 363, Ch. 46, R. S.] Any political party or organization which at the last general election in this State polled at least 25 per cent of the entire vote cast in such county, incorporated city, town or village, shall be entitled under this act to hold one primary election on a day not less than thirty days preceding any regular spring election, also not less than thirty days preceding any regular November election.

30. PRIMARY ELECTION DISTRICT.] [§ 364, Ch. 46, R. S.] For the purpose of primary elections under this act, each township in counties under township organization, and each election precinct in counties not under township organization may constitute a primary election district, or each ward of incorporated cities, towns and villages may constitute a primary election district.

31. POLLING PLACE—SELLING LIQUOR—PENALTY.] [§ 365, Ch. 46, R. S.] The polling place for each district shall be as near the center of population as practicable, but no building shall be designated or used as such polling place in which spirituous or intoxicating liquors are sold, nor within 100 feet of such place. Any person who knowingly names a voting place in violation of this section shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars (\$100), nor more than two hundred dollars (\$200), or imprisoned not to exceed one year in the county jail, in the discretion of the court.

32. PRIMARY ELECTION DISTRICTS—SELECTION OF JUDGES AND CLERKS—QUALIFICATIONS OF.] [§ 366, Ch. 46, R. S.] The board of supervisors in counties having township organization, or county commissioners in counties not under township organization, shall establish such primary election districts and such polling places, which shall be the same for all political parties according to this act. In default of such supervisors or county commissioners designating such districts they shall be designated by the county judge of such county. The executive committee of such political party, entitled

under this act, shall designate three judges (two of whom shall act as clerks) of their own political party, for each district, who are residents of such districts and legal voters therein.

33. NOTICE OF PRIMARY ELECTION—WHAT TO CONTAIN—BALLOT BOX—BOOTH—BALLOTS—MODE OF VOTING—OFFICIAL BALLOT—NAMES OF CANDIDATES—BALLOTS OF INSTRUCTION.] [§ 376, Ch. 46, R. S.] At least ten days before the primary election day, designated as aforesaid by such political party, it shall be the duty of the county clerk, or clerk of any incorporated city, town or village, upon the application of any political party as aforesaid, to give notice of such primary election. Such notice shall give the name of the political party, the time the primaries are to be held, and the location of the polling place for each district. Such notice shall be published in some newspaper published in the territory where such primary election is held, if there be one, and in such newspaper as shall be designated by the political party holding the primary election. The county clerk, or such other party having charge of the ballot boxes and booths, shall, when demanded, deliver to the judge of each election precinct within two days of such election one ballot box and key and the necessary booths to hold such election under the general laws of the State. Said judges shall receipt for them and return them to their proper place after the election is over.

The county clerk, or clerk of any incorporated city, town or village, shall furnish the judges of each primary district a sufficient number of ballots on white paper and of the same size, to contain the names of all the candidates to come before the nominating convention, and the office for which they seek a nomination. The voter shall mark a cross before the name of the candidate of his choice for each of the offices to be filled, and each candidate shall receive his *pro rata* of votes cast in each district in the nominating convention for two ballots.

Any legal voter who will have a right to vote at a primary election held under this act, may have his name appear on the official ballot for the nomination of any office to be filled at the election for which these primaries are held.

The names of all persons who desire to have their names printed on the ballot as candidates shall be reported to the county clerk or clerk of the incorporated city, town or village, as the case may be, not less than five days prior to the day on which such primary election shall be held.

The county clerk, or clerk of the incorporated city, town or village, shall stamp or print on the back of each ballot a *fac simile* of his name, officially, together with the words "official ballot," and no ballots shall be counted which do not contain the above marks.

Besides the official ballots, the county clerk, or clerk of any incorporated city, town or village, shall cause to be printed on colored paper ballots of instructions, containing all the names and arrangement of the legal ballot; a reasonable number to be given to the judges of each district, who shall distribute them among the voters at their polling places, the same to be tacked up in a conspicuous place, easy of access.

The judges shall receipt to the county clerk, or clerk of any incorporated city, town or village, for the number of ballots received, and return all ballots not used. They shall account for all ballots not returned, and if they fail to account for the same they shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or be imprisoned not to exceed one year in the county jail, in the discretion of the court.

34. HOW DELEGATES SELECTED.] [§ 368, Ch. 46, R. S.] The selection of delegates to all nominating conventions shall be made in the following manner: The requisite number of delegates to which each precinct, ward or district is entitled shall first be determined, and a like number of black lines placed on each ballot. Names of candidates, delegates and alternates who may be certified as such to the county clerk seven days prior to the holding of such primary election by the chairman and secretary of the city, township or county central committee of the party holding such primary election, shall be printed upon the official ballot. The voter, while in the booth, may write or paste on the blank lines provided on the ballot the requisite number of names of persons of his choice, to act as delegates; or make a cross opposite the name of the delegates of his choice printed on the ticket; and the requisite number of persons for delegates receiving the highest number of votes cast shall constitute the delegates from such precinct, ward or district to the nominating convention thereof, and the requisite number receiving the next highest number of votes cast shall constitute the alternates.

The polls shall be opened at 12:00 o'clock m. on the day of election and close at 7:00 o'clock p. m., on the same day, except in rural districts, where they may close at 5:00 o'clock p. m.: *Provided*, they so specify in the call for such election.

35. FAILURE OF JUDGE TO APPEAR.] [§ 369, Ch. 46, R. S.] If any judge who has been appointed shall fail to appear within 15 minutes after the time for opening the polls, the bystanders of the political party holding the primary election shall fill such vacancy.

36. WHAT LAW GOVERNS.] [§ 370, Ch. 46, R. S.] The voter shall receive his ballot from one of the judges, and the same law governing the voting at any general election shall govern the voting at a primary election.

37. WHO MAY VOTE AT PRIMARY.] [§ 371, Ch. 46, R. S.] No person shall be allowed to vote at any primary election except he be a citizen of the State and a resident of the district in which he desires to vote, and must have voted with said party at the last general election holding a primary election, except he be a first voter; nor shall any person vote more than one time, or at any other than at the polling place in the district wherein he resides.

Any person who shall violate the provisions of this section shall be fined not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), or imprisoned in the penitentiary for one year or both in the discretion of the court.

38. BRIBERY—PENALTY.] [§ 372, Ch. 46, R. S.] Any person who shall bribe, or attempt to bribe, any voter by offering money or other valuable thing, or promising a position to a voter to get him to vote for or against any particular candidate, or any voter who shall receive any bribe as aforesaid, shall each be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), or imprisoned in the penitentiary for one year, in the discretion of the court.

39. FEES—POLL BOOKS AND TALLY SHEETS.] [§ 373, Ch. 46, R. S.] The judges of such election shall each receive \$1.50 per day for their services.

The county clerk, or clerk of an incorporated city, town or village, shall furnish the judges all poll books, tally sheets and other necessities to carry out the provisions of this act.

The expenses of conducting such primary elections shall be paid by the county, incorporated city, town or village in which such primary election is held.

All bills shall be audited by the county clerk, or clerk of the incorporated city, town or village, and he shall issue his warrant on the proper treasurer for the amount due.

40. DELEGATE FAILING TO ATTEND CONVENTION.] [§ 374, Ch. 46, R. S.] Whenever any delegate who has been elected to a nominating convention shall not attend, the remaining delegates shall fill the vacancy from among the alternates elected from each district, and if others are required they may elect any legal voters of the same political party residing in the same district.

41. AT THE OPENING OF POLLS BALLOT BOX TO BE SHOWN.] [§ 375, Ch. 46, R. S.] Before the voting begins the ballot box shall be shown to those present to be empty, then locked and the key given to one of the judges, who shall not allow it to be opened again until the polls are closed, and said ballot box shall be kept continually in view. Each clerk shall keep a pollbook, the same as in general elections and the certificate thereon shall be the same.

42. POWER OF JUDGES.] [§ 376, Ch. 46, R. S.] Any person may be sworn by one of the judges of election and examined under oath and the judges shall decide whether or not he is entitled to vote at said primary election.

The judges shall have authority to keep the peace, and it shall be the duty of all officers of the law present to obey the orders of the judges of election, and the officer making the arrest shall be protected the same as if a warrant had been issued to him to make the arrest.

43. CANVASS OF VOTES—NEGLECT OF DUTY BY JUDGES—PENALTY.] [§ 377, Ch. 46, R. S.] Immediately on the closing of the polls the judges of the election shall proceed to count the ballots and canvass the votes polled, and upon the completion thereof the judges shall declare the result. They shall make one certificate of the same and attach it to the pollbook, and send another in a sealed envelope to the executive committee holding the primary election.

All judges of such election who knowingly neglect or refuse to do their duty as such officers shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars (\$50), nor more than five hundred dollars (\$500), in the discretion of the court.

It shall be the duty of the county clerk or clerk of the incorporated city, town or village, to aid the State's attorney with such evidence as he may have in his office to prosecute all offences under this act.

44. REPEAL.] [§ 378, Ch. 46, R. S.] All laws and parts of laws inconsistent with this act are hereby repealed.

45. HOW THIS ACT MAY BE ADOPTED BY ELECTORS OF ANY COUNTY, ETC.] [379, Ch. 46, R. S.] The electors of any county, incorporated city, town or village may adopt this act in the following manner:

Whenever 50 per cent of the legal voters of such county, incorporated city, town or village, shall petition the county judge to submit the proposition whether or not the electors thereof shall adopt this act it shall be the duty of such county judge to submit such proposition at the next election of any county, incorporated city, town or village, or State.

The proposition so to be voted for shall be on a separate ballot in plain, prominent type, and be prepared and provided for that purpose in the same manner as other ballots; (For adopting the act for primary election of political parties in counties having a population of less than 125,000 inhabitants, Yes or No.).

If a majority of the votes cast shall be for such proposition the act shall be adopted, and the county judge shall enter of record an order declaring this act in force in such county, incorporated city, town or village: *Provided*, this act shall not apply to counties having a population of 125,000 or over as ascertained by the last federal census.

*Provided*, if any county, incorporated city, town or village shall adopt the provisions of this act it shall work a repeal of all laws or parts of laws conflicting herewith.

## PRIMARY ELECTIONS.

*Compulsory in Counties of 125,000 or Over—Optional in Other Counties.*

AN ACT to amend an act entitled, "*An act providing for primary elections of delegates to nominating conventions of political parties or organizations, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,*" approved and in force February 10, 1898. Approved May 11, 1901.

46. WHEN ACT APPLIES—CONVENTIONS DEFINED—DELEGATES—OFFICERS—RECESS, ETC.] [§ 380, Ch. 46, R. S.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "*An act providing for primary elections of delegates to nominating conventions of political parties or organizations, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,*" approved and in force February 10, 1898, be amended to read as follows:

That in every county, city, village or incorporated town respectively in this State to which this act shall apply as hereinafter provided, the primary elections for delegates to constitute the various conventions of the different political parties or organizations of such county, city, village or incorporated town, or any part thereof, held for the nomination of candidates for public office in this State, and any part thereof, and for the Congress of the United States, whose names are to be printed on the official election ballots printed and distributed at public expense in such county, city, village or incorporated town, or any part thereof, shall hereafter be held under and pursuant to this act. A convention to nominate candidates for public office to be voted for by the electors of the entire State shall be known as a "State convention;" a convention to nominate candidates for public office to be voted for by the electors of an entire county shall be known as a "county convention;" a convention to nominate candidates for public office to be voted for by the electors of an entire city, village or incorporated town shall be known as a "city, village or town convention," respectively; a convention to nominate candidates for public office to be voted for by the electors of an entire township shall be known as a "township convention;" a convention to nominate candidates for public office to be voted for by the electors of an entire ward shall be known as a "ward convention;" all other nominating conventions in this State shall be known as "district conventions."

Each nominating convention shall be held within the boundaries of the municipality or district for which its nominations are to be made, and at the place designated in the call. A majority of the delegates entitled to a seat in the convention shall be necessary to constitute a quorum. The delegates, a quorum being present, shall select one of their number to call the convention to order and to preside until the temporary officers are chosen. All convention officers shall be dele-

gates and shall be chosen upon a roll-call, such roll-call to be by wards and districts, and announced by the chairman of such ward or district delegation. In case, however, the vote of any ward or district is challenged or disputed when announced, then the roll of delegates of such ward or district shall be called, and the persons receiving the votes of a majority of the delegates shall be declared elected the officers of the convention. No adjournment or recess of the convention shall be taken before completing the nominations it was called to make, except upon a yea and nay vote taken upon a roll-call, as aforesaid.

47. WHAT PARTIES MAY HOLD PRIMARIES—WHEN.] [§ 381, Ch. 46, R. S.] Any political party or organization which at the last preceding general election for Governor in this State polled at least ten per cent of the entire votes cast in the particular county, city, village or incorporated town, or district thereof, respectively, for which the application is being made, shall be entitled under this act to hold one primary election on any day in the months of December, January, February or March immediately preceding any regular spring or summer elections; which primary election shall effect only the nominations for the offices to be filled at the particular spring or summer elections next and immediately following such primary election day; and such political party or organization, qualified as stated in this section, shall be entitled also to hold another primary election on any day in the months of May, June, July, August or September immediately preceding any regular autumn elections; which last mentioned primary election shall effect only the nominations for the offices to be filled at the particular autumn elections next and immediately following such primary election day: *Provided*, that such primary election day and certificates of nominations shall be subject to the provisions of section 7 of an act entitled, "An act to provide for printing and distribution of ballots at public expense, and for the nomination of candidates for public office, to regulate the manner of holding elections, and to enforce the secrecy of the ballot." in force July 1, 1891; and such primary election day shall be at least six days before nomination certificates are due. Within the time limited, as aforesaid, such political party or organization, through its central committee or managing committee, may determine and name the day for holding such primary election; but no two different political parties shall hold their primary elections on the same day; and the political party first applying as hereinafter set forth, shall have the preference in the choice of days. in case two or more different political parties shall in their application appoint the same day.

48. CALL FOR PRIMARY—TIME—PROVISO.] [§ 382, Ch. 46, R. S.] No political party or organization shall be entitled under this act to hold a primary election unless at least fifteen days before such primary election day such political party or organization shall file with the board of election commissioners within whose jurisdiction they are, and in such portions of the county as lie beyond the jurisdiction of said board of election commissioners, also with the county clerk, and also with the county clerk where there is no board of election commissioners, a call or application in writing, which shall set forth:

First—The name of such political party and the address of the headquarters of the central committee or managing committee of such political party.

Second—The day on which said primary election is to be held.

Third—The name, place and time of every convention for the nomination of candidates for public office for which such primary election is called.

Fourth—The description of each of the various primary election districts, together with the names of the three persons for judges of election and two persons for clerks of election for each such primary district, also the designation of a polling place for each such primary district.

Fifth—The number of delegates from each such primary district to each convention: *Provided*, that the number of delegates from each of the different primary districts be proportioned equally to the number of voters of such political party in each district as shown by the last preceding presidential election returns: *And, provided*, that each primary election district shall be allowed to be represented by at least one delegate to each convention in which such primary district is entitled to be represented.

Sixth—The name of some newspaper recommended for the publication of the notice of such primary election as hereinafter provided:

*Provided*, that all the organizations or subdivisions of any one general political party representing any municipality, district or ward, within the territory of the municipality adopting this act, shall hold their primary elections, such as may then be in order, for the respective county, city, village or incorporated town, or other political divisions therein, together and on one and the same day; and each municipal, district or ward organization of the party that neglects to join shall forfeit the right to hold primaries for its political nominations then due. In due time before filing said call or application, the central or managing committee representing the largest political territory for which primaries are next in order may notify, in writing, the chairman or secretary of each territorial organization of such general party to return, in writing, within a specified time, properly authenticated by such territorial organization of the party, the request of such subdivision of the party for its respective primaries, and also the name, place and time of the lawful nominating conventions they wish to hold, and containing other lawful suggestions; and upon receiving such request in writing, such central or managing committee shall include in said call or application the name, place and time of the proper conventions of such subdivision of the party, and all such other proper matters and things as will make its primaries effective, fair and equal, and shall make only such small changes in the time of the suggested primary election day or the convention days as may be required by this act in order to have all the primaries of each political party held on the same day; but such central or managing committee, even if no request in writing is returned, may include the primaries and conventions of all such lesser territorial subdivisions of the party. If such central or managing



committee, after receiving such request in writing, files said call or application without including therein the primaries and conventions of the subdivision of the party making a request in writing, as aforesaid, such subdivision of the party shall be entitled to hold its primaries together with the general party, upon filing with the proper public officer, clerk or board, at least twelve days before the primary election day, an application in writing, which shall set forth the fact of such omission, the name of the headquarters of the subdivision of such party, the name, place and time of the lawful conventions desired to be held by such subdivision of the party, and containing also such other suggestions and statements as will make it possible for the proper authorities to include the primaries of such subdivision of the party in the general primaries of the general party. In default of such central or managing committee in filing any call or application at least twenty-one days before nomination certificates for the regular election day are due, then each subdivision of such party whose lawful primaries are then in order may, not less than eighteen days before the day such certificates are due, file its own call or application, and the lawful officer, board of election commissioners, or the county clerk, as the case may be, with whom the calls are lawfully filed, shall, in an order or memorandum, substantially in the form of a call or application, fix one and the same day for all such primaries, and shall determine and fix upon all other things necessary to have such applicants have an effective, fair and equal primary election with as little public expense as possible.

49. SIGNATURES TO CALL—USE OF PARTY NAMES RESTRICTED.] [§ 383, Ch. 46, R. S.] Such call or application shall be signed by the chairman and attested by the secretary of the central committee or managing committee of such political party or organization, verified by oath that the facts therein stated are true and that they are, respectively, the chairman and secretary of such committee. No persons and no political party or organization shall use the name of another political party or organization (or any designation similar to that of another political party or organization) in such manner as to deceive voters. Upon the filing of such call or application, according to the provisions of this act, any political party or organization which, at the last preceding general election in this State, polled at least ten (10) per cent of the entire vote cast in the whole county, city, village or incorporated town, represented by such political party or organization, shall be allowed to hold a primary election under this act.

50. NOTICE OF PRIMARIES—TIME—CONTENTS—PUBLICATION.] [§ 384, Ch. 46, R. S.] At least ten (10) days before the primary election day, designated as aforesaid by such political party, it shall be the duty of the board of election commissioners, or the county clerk, or both, as the case may be, upon the application of any political party entitled thereto as aforesaid, through its central committee, or managing committee, as aforesaid, to give notice of such primary election. Such notice shall contain the name of the political party or organization for which such primary election is to be held

the address of the headquarters of the central committee, or managing committee, of such party, the name, place and time of each convention according to the call aforesaid, to be held by such party for the nomination of candidates for public office, the date upon which such primary election is to be held, the description of each of the various primary election districts, the location of the polling place for each such district, the names of the three judges and the two clerks appointed to serve at each primary election district, and the number of delegates to be elected from each primary district to each convention. Such notice shall be published in some newspaper of general circulation recommended by the executive committee of the political party or organization for which such primary election is to be held. But no failure or error in such publication, or in the application aforesaid, shall invalidate any primary election actually held, and any primary election held pursuant to any notice substantially like the above notice shall be deemed to be held under this act, and all justices of the peace, and all judges of courts of record in the territory for which such primary election is called shall take judicial notice of the holding of such primary election under this act.

51. DISTRICTS—WHAT SHALL CONSTITUTE—JUDGES AND CLERKS—POLLING PLACES.] [§ 385, Ch. 46, R. S.] For purposes of primary elections under this act, and in the more sparsely settled country, a regular election precinct may constitute a primary election district; but in populous sections, in order to save expense, from two to seven, but no more, entire contiguous election precincts of the same ward, or other political division, in as compact a form as practicable, may be joined so as to form one primary election district, but in such manner that each primary election district, consisting of two or more regular election precincts, shall include at least three regular election judges and two regular election clerks residing within such primary district and belonging to the party establishing such primary district. In no event shall any primary district contain more than eight hundred (800) voters, to be ascertained by the party vote of the party holding said primary election cast at the last preceding presidential election. Primary districts, when lawfully established, shall remain as established for each party's successive primaries except as changes may be necessitated by law.

*Provided*, that where a regular election precinct consists of, and is co-extensive with, a congressional township, then said congressional township shall constitute one primary election district within the meaning of this act.

*And, provided, further*, that in such case, and in any case where there exists no board of election commissioners, and where the judges and clerks of election are appointed and chosen by a board of supervisors or board of county commissioners, then the judges and clerks who are to serve as judges and clerks of any primary election shall be members of the political party holding such primary election; and if there are no judges and clerks of election in and for such congressional township who belong to, or are members of, the political party seeking to hold a primary election under the provisions and within

the meaning of this act, then the county central or governing committee of such political party shall have and is hereby granted, the power and right to name, appoint, notify, direct and qualify such members of its own party as are otherwise eligible under the provisions of this act to serve as judges and clerks of such or any primary election held under and within the meaning of this act. And in such event the compensation per diem of such judges and clerks shall be the same as that of judges and clerks serving at any regular election, notwithstanding the provision for compensation found in section 10 of this act.

In each such primary election district there shall be a primary polling place, which shall be as near the center of population of such district as is practicable, and such primary polling place shall be in the most public, orderly and convenient part of such primary district, and within a room permitting easy ingress and egress to voters, and no building shall be designated or used as such polling place in which spirituous or intoxicating liquor is sold, or which is within one hundred (100) feet of any place where such liquor is sold. The central committee or managing committee of any political party or organization entitled to hold such primary elections under this act shall establish such primary election district and designate such polling places according to this act not less than fifteen (15) days before such primary election day. In default of such central committee or managing committee designating such primary election districts and polling places, the same shall be done by the member or members of the board of election commissioners representing said party; or, if no such board exists in the county, then by the judge of the county court.

52. JUDGES AND CLERKS, APPOINTMENT—OATH OF OFFICE—DUTIES—FAILURE TO SERVE—PENALTY.] [§ 386, Ch. 46, R. S.] Not less than ten days before such primary election day, the certain person, officer, officers or board, or board of election commissioners, as the case may be, by the general election law authorized to appoint judges and clerks for general elections, is and are hereby empowered to appoint, and shall, for each primary election district, appoint and swear in from the list of duly appointed and regular election judges and clerks, and otherwise as herein provided, three judges and two clerks, who are members of such political party, to serve respectively as judges and clerks at such primary election: *Provided, however,* that such political party or organization, through its central or managing committee, shall have the right, not less than fifteen days before such primary election day, to designate and name for appointment for service at such primary elections such certain of the regularly listed judges and clerks as were originally recommended and named or endorsed for appointment as regularly elected judges and clerks by such political party; and in case there are not a sufficient number of listed regular judges and clerks so originally recommended and named or endorsed by such political party to equip all primary polling places of such party, then such political party or organization may, not less than fifteen days before such primary election day, through its central or managing committee, recommend to such ap-

pointing power a sufficient number of qualified persons for appointment to serve as primary election judges and clerks to equip all the primary polling places of such party; and such person, officer or board having such appointing power, to whom or to which such names are designated by such political party as aforesaid, shall, not less than ten days before said primary election day, select from the names so recommended, and shall notify, appoint and swear in such persons if qualified to act as judges and clerks at such primary election; and such persons so appointed shall serve as judges and clerks, respectively, at such primary election. Except when only one or two regular election precincts form a primary election district, no two judges and no two clerks shall serve at the same primary polling place who reside in the same regular election precinct. In default of such designation or recommendation of such judges and clerks by such political party, and in any case of vacancy among primary judges and clerks, then such person, officer or board having the appointing power as aforesaid shall appoint and swear in from the list of duly appointed and regular election judges and clerks who are members of such party a sufficient number of judges and clerks to equip all the primary polling places of such party. Such judges and clerks appointed under this act shall take an oath of office substantially as follows, and shall subscribe their names to the same:

"I.....residing at.....in the city (village or town) of.....in the State of Illinois, do solemnly swear (or affirm) that I am a legal voter and a member of the.....party and a householder in the.....ward of the city (village or town) of.....in the State of Illinois; that I will support the laws and Constitution of the United States and of the State of Illinois, and that I will faithfully and honestly discharge the duties of primary election judge, (or clerk) for the.....primary election district of the.....ward, of the city (village or town) of.....in the county of.....in the State of Illinois. according to the best of my ability.

Dated this.....day of.....A. D.....

In due time, before such primary election day, such appointing person, officer or board shall notify every person designated as aforesaid and intended for appointment as judge or clerk of the fact of his selection; and he shall, unless excused by such person, officer or board, for good cause, be appointed as a judge or clerk, respectively, and he shall then be bound to serve as such judge or clerk for the ensuing primary election. Such person, officer or board appointing judges and clerks as aforesaid shall keep a record of the names of all such persons so notified to appear, and whether such persons were rejected for want of qualification or excused for cause; in such case the facts shall be noted. In case any person so notified shall not appear before such person, officer or board, as required in this act, or if he do appear and refuse to serve, or if he shall be sworn to serve and fail to serve on the day appointed, he shall be guilty of a misdemeanor under this act, unless good cause be shown to excuse his default for such service. In case the person intended for appointment

does not appear upon notification, then other persons shall be notified as aforesaid until eligible persons are found who will serve. All persons subscribing to the oath as aforesaid, and all persons actually serving as judges and clerks at any primary election, whether sworn in or not, shall be deemed to be, and are hereby declared to be, officers of the county court of the respective county; and such persons shall be liable to punishment by such court in a proceeding for contempt for any misbehavior as such judge or clerk, to be tried in open court on oral testimony, in a summary manner, without written pleadings; but such trial or punishment for contempt of court shall not be any bar to any criminal proceedings against such primary judges or clerks for any violation of this act.

53. GENERAL ELECTION LAWS APPLY—POLLING PLACES—SUPPLIES—POLL BOOKS AND BALLOT BOXES PRESERVED.] [§ 387, Ch. 46, R. S.] All the laws of this State respecting the general elections in this State, now or hereafter in force in any election precinct or district in such county, city, village or incorporated town, except as the same are modified by the provisions of this act, and so far as the same are applicable to primary elections provided for in this act, are hereby declared to be in force in each primary election district respecting the primary elections provided for in this act.

Polling places in the respective primary election districts shall be appointed, provided, established, furnished, warmed, lighted, maintained, conducted and supervised;

And all necessary ballot boxes, registry books, return sheets, blanks, poll books, stationery and supplies shall be provided, furnished, delivered and used;

And notices of such primary election shall be given, posted and published;

And all judges and clerks shall be paid, appointed upon the recommendation of the central committee or managing committee, as aforesaid, qualified, notified, directed, instructed, sworn, and vacancies in their number supplied;

And such primary election in each election district shall be conducted, supervised, regulated and controlled;

And after being used at any primary election, all registry books, poll books, ballots, statements, returns, ballot boxes, ballot-box keys, and other election paraphernalia shall be preserved, kept, stored, accounted for and returned;

And the polling places and the polls of such primary election shall be opened and closed respectively;

In the same manner and by the same persons or officers or board or judges and clerks, as is provided by the law in force in any election precinct or district in such county, city, village or incorporated town, respecting the general elections, except as such general election laws are modified by this act, and except as to the time of appointing the respective polling places in the various election precincts or districts, which time shall be at least ten (10) days before each primary election day.

The certain person, officer, board, board of election commissioners, or any or all of them, by the general election law authorized to furnish or have the custody of general election ballot boxes, general registry book of voters and other election paraphernalia, shall, in due time before primary election day, notify one or more of the judges of each election district to appear before such person, officer or board in due time before primary day; and such judges shall appear within such time and such person, officer or board shall deliver to such judge or judges for each primary election district one ballot box, also one regular election registry book of voters for each regular election precinct included in the primary election district, also sufficient poll books, tally sheets, blank affidavits, oaths, statements of votes, delegates' certificates of election; also all other blanks, papers and supplies necessary to carry out the provisions of this act.

54. EXPENSES, HOW PAID—AUDITING CLAIMS.] [§ 388, Ch. 46, R. S.] The expense of conducting such primary elections shall be paid by the county, or by the city, or by the village or incorporated town, respectively, to which this act shall apply, as hereinafter provided, including the salaries of judges and clerks, the cost of ballot boxes, registry books, poll books, return sheets, stationery, supplies, polling places and such other expenses as are necessary and incidental to carrying out the provisions of this act.

The board of election commissioners, where such board has jurisdiction, otherwise the clerk of the county, shall audit all the claims of such judges and clerks of such primary election: *Provided*, that in cities, villages and incorporated towns where there is a board of election commissioners, all expense incurred by such board of election commissioners shall be paid by such city. Such expenses are to be audited by the county judge and shall be paid by the city treasurer upon the warrants of such county judge out of any money in the city treasury not otherwise appropriated. It shall be the duty of the governing authority of such city to make provision for the prompt payment of such expenses. At all primary elections for city officers, though other than city officers may be nominated at the same time, and at all primary elections in a part of such city, such city shall pay such judges and clerks for their services under this act. At all general county and State primary elections, though other than State and county officers are to be nominated, and at all primary elections where other than judicial officers are to be nominated, such county shall pay such judges and clerks for their services under this act. Said board of election commissioners shall audit all the claims of judges and clerks and shall draw a warrant therefor upon such city or county treasury, as the case may be.

55. COMPENSATION OF JUDGES AND CLERKS.] [§ 389, Ch. 46, R. S.] The judges and clerks of such primary election shall be allowed the sum of five dollars (\$5.00) each per day for their services in attending such primary election.

56. QUALIFICATIONS OF VOTERS.] [§ 390, Ch. 46, R. S.] In order to be qualified to vote at a party's primary election, the person offering to vote shall be a member of the particular party and

legally qualified to vote at the next ensuing regular election. He shall be registered on the regular election registry books within the primary district and reside within the district in which he offers to vote: *Provided*, no person shall be deemed to be a member of a particular party if he has signed any petition for the nomination of any person with reference to the nominations for the next ensuing regular elections, or if he has voted at the primary election of another party within the period of one year next preceding: *Provided*, that in all localities where there is no board of election commissioners having jurisdiction of general elections, every legal voter entitled to vote at regular elections within any election precinct included within the primary district of which he is a resident, and who is a member of the political association or party holding the primary election, shall be entitled to vote at such primary election under the regulations and restrictions applicable to the regular elections.

57. QUALIFICATIONS OF DELEGATES—ALTERNATES—VACANCIES.] [§ 391, Ch. 46, R. S.] None but legally qualified voters residing in the primary district to be represented shall be eligible as delegates to any convention of such party. Judges and clerks acting as such at any primary election shall be ineligible as delegates or alternates to to any such convention. Not more than one person shall be elected as an alternate delegate for each delegate to any such convention, and no person shall act as a delegate to any such convention except when elected a delegate, or an alternate delegate, according to this act: *Provided*, that in the absence of a delegate the alternate delegate whose name appears on the ballot opposite the name of such absent delegate shall act in his stead; but if such alternate also is absent, then the delegates present representing the district shall select from the other alternates who are present the person who shall act in place of the absent delegate. If all the alternates are absent, or if there are not sufficient alternates to fill vacancies, then delegates of the district present shall select any qualified member or members of the party as delegates to fill such vacancies. If no delegates or alternates from a given district are present, the vacant delegation may be filled by the delegate or delegates present from that ward or township.

58. VOTING BY BALLOT—FORM OF BALLOT—DEFECTIVE BALLOT—PENALTIES.] [§ 392, Ch. 46, R. S.] At such primary elections the manner of voting shall be by ballot. The ballots shall all be of uniform size, and eight (8) inches in length and eight (8) inches in width. The ballot shall be printed or written, or partly printed or partly written, upon plain white paper. Any person or persons may, at private expense, furnish such ballots, and no primary election ballots shall be furnished at public expense. The name of each delegate and alternate delegate for whom the voter intends to vote shall appear on one ballot, on one and the same side thereof, in plain letters, together with the name of the convention to which such delegates are to be elected. Immediately preceding the list of delegates to any convention may appear the name of the candidate or candidates for whom such delegates are expected to vote in such conven-

tion, or the word "unpledged" may appear, and at the top of the ballot may appear the simple party name, the primary district and the location of the polling place. Unless ballots substantially comply with this act, in size and color, the same shall be void for all purposes, and shall not be received or deposited or counted by any person or judge at any such primary election, and all ballots not in accordance with the provisions of this act, but which by any mistake may have been deposited in the ballot box, shall be void, and shall be marked "defective" on the back thereof; but no ballot shall be defective because the voter depositing the same has named upon it a less number of delegates than such voter was entitled to vote for. If the voter votes for more persons than there are delegates to be elected to a certain convention, or if for any reason it is impossible for the judges to determine the voter's choice, such ballot, or part thereof, shall not be counted. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made by either of the judges or challengers shall be marked "objected to" on the back thereof, and a memorandum, signed by the judges, stating how it was counted, shall be written upon the back of each ballot so marked, and all ballots marked "defective" or "objected to" shall be enclosed in an envelope, securely sealed and so marked and endorsed as to clearly indicate its contents. The judges shall receive from any person and permit to be freely and equally exposed in separate and orderly piles, within the polling place, near the ballot-box and within reach of voters, a sufficient supply of each of the various primary tickets or ballots; and the judges shall hand one of each of the various tickets to each and every person qualified to vote; and whenever the supply of any of the various tickets becomes insufficient, the judges shall immediately mention the fact of such insufficiency to one or more of the candidates or persons interested in said ticket. Any judge or clerk, or any other person, who shall in any manner conceal or remove or destroy any such supply of tickets, or who shall hinder or prevent or interfere with the free and equal reception, exposure, distribution, use or supply of such various primary tickets or ballots, or who shall do any electioneering within 100 feet of the polling place shall, upon conviction thereof, be deemed guilty of a misdemeanor.

59. OPENING AND CLOSING POLLS—ABSENCE OF JUDGE OR CLERK—VACANCIES—CHANGE OF POLLING PLACE.] [§ 393. Ch. 46, R. S.] The polls of such primary election shall be opened at 12:00 o'clock noon, and continue open until 7:00 o'clock in the afternoon of the same day, at which time the polls shall be closed; if any judge or clerk, without lawful excuse, shall be behind time for fifteen (15) minutes after the time for opening such polls, he shall be guilty of a misdemeanor under this act and punished accordingly. No judge or clerk shall absent himself to exceed five (5) minutes at any time until the ballots are all cast and counted and returns made; and, when absent for any cause during such time, said judge or clerk shall authorize some one of the same political party with himself to act for him until his return. If any judge or clerk shall not be present



after the expiration of fifteen (15) minutes from the time to open the polls, the judge or judges present shall fill the place of such absent judge or clerk and one of the judges shall administer to such substitute the oath, as required of the judges or clerks when originally appointed, and blank forms shall be provided for such purpose, which oath shall be preserved and returned by the judges to the proper officer or the board, and such appointee shall be subject to the same punishment and penalties as any other judge or clerk. Whenever such regular judge or clerk shall be present, such substitute shall cease to act. If all judges or clerks fail to appear at the proper time at the polling place, or in case no primary judges and clerks have been appointed as provided in this act, then bystanding voters of such primary district to the number of five (5) or more of such political party may elect legal voters of such party to act as judges or clerks. Such judges and clerks, elected as last aforesaid, shall have full power to conduct such primary election in accordance with this act. Any judge or clerk who shall wilfully absent himself from the polls on such primary election day without good cause shall be guilty of a misdemeanor under this act, and if any judge or clerk shall wilfully detain any registry book or poll book, or other election paraphernalia, and not cause it to be produced at the polling place at the opening of the polls, or for fifteen (15) minutes thereafter, he shall be guilty of a misdemeanor under this act.

If, for any good cause, a primary election can not be held at the polling place designated or appointed as aforesaid, the judges of such polling place may at the time set for opening the polls of such primary election, adjourn such election to the most convenient polling place, near by, which is otherwise suitable according to this act; and such judges shall publicly proclaim such change and post a notice of such change on the polling place originally appointed.

60. **BALLOT BOX TO BE KEPT IN VIEW, ETC.—BALLOTS NOT TO BE HANDED IN THROUGH WINDOW.**] [§ 394, Ch. 46, R. S.] Before voting begins the ballot box shall be empty; and it shall be opened and shown to those present to be empty; and it shall not be removed from the public view from the time when it is shown to be empty until after the close of the polls. It shall be locked and the key delivered to one of the judges, and it shall not again be opened until the close of the polls. The judges of election shall each be held guilty of a misdemeanor under this act if such ballot box shall not by them be kept constantly in public view during the progress of the election, unless it shall be shown by any judge that he protested against any obstruction of the view of the ballot box and was overruled by the majority of the judges. Voters shall be admitted within the polling place and there shall be permitted no handing in of votes through windows, doors or other openings.

61. **DUTY OF CLERKS—FORM OF POLL BOOK.**] [§ 395, Ch. 46, R. S:] Each of the clerks of election, in the poll books kept by him, shall enter in the proper column the name of each person whose vote is duly received for deposit in the ballot box; and in the column under the heading "Number" he shall note the successive number of

each successive voter; and in the column headed "Residence" he shall note the residence of each such voter. Each page of such special book shall be substantially in the following form:

### REPUBLICAN (OR DEMOCRATIC) POLL BOOK.

Of a primary election held in the.....primary district of the.....ward, of the city of.....town of .....county of.....on the.....day of .....A. D. 19....

This is to certify that the within list is a correct list of (Republican or Democratic) voters at a primary election held on the.....day of.....A. D. 19....in the.....primary district of the.....ward, in the city of.....town of.....county of.....and State of Illinois.

And that on said primary election day.....19....the undersigned judges and clerks served, and are entitled to pay therefor.

.....  
.....  
.....

*Judges of Election.*

.....  
.....

*Clerks of Election.*

Dated.....19....

Number of Votes.	Names of Voters.	Residence.
1.....	.....	.....
2.....	.....	.....
3.....	.....	.....
4.....	.....	.....
5.....	.....	.....
6.....	.....	.....

Such poll books shall otherwise be of the form, and shall contain the same certifications, as nearly as may be, as the poll books used in the regular elections, and such poll books shall be signed and attested in the same manner as poll books for the purpose of regular elections.

62. MANNER OF RECEIVING AND DEPOSITING BALLOT.] [§ 396, Ch. 46, R. S.] One of the judges of such election shall receive the ballot from the voter and shall announce the residence and name of such voter in a loud voice; such ballot shall be folded by the voter in such a manner that the contents thereof cannot be seen without unfolding such ballot. If the judges of election are satisfied that the person offering to vote is a legal voter, whose name is registered on the regular election registry books, except as herein otherwise provided for localities where there is no board of election commissioners, and are satisfied that he is a member of the political party holding

such primary election, and, if no challenge is interposed, the judge receiving such ballot shall again announce to the clerks of election the residence and name of the person offering such ballot, and such judge shall mark with pencil or ink the initials of his own name on the back of such ballot as it is folded, and thereupon such judge, after holding up and showing the ballot to be so marked, shall immediately, in the presence of the voter offering such ballot, and keeping the same in plain view of the judges and clerks of election and of such voters and challengers as may be present, deposit into the slot of the ballot box the ballot thus received and marked, and no other; and thereupon the clerks of election shall enter upon the poll books in the proper column the name and proper successive number of each voter and his residence. The judges and clerks, and each of them, shall see to it that each ballot is endorsed as aforesaid. If such person shall be challenged as disqualified, the person challenging shall assign his reason therefor, and thereupon one of said judges shall administer to the person offering to vote an oath to answer all questions truthfully, and if he shall take such oath he shall then be questioned by said judge or judges touching such cause of challenge and touching any other cause of disqualification, and he may also be questioned by the person challenging him in regard to his qualifications and identity; but if a majority of the judges are of the opinion that he is the person so registered and a voter qualified to vote at such party primary election, his vote shall then be received and deposited. But if the vote of a person apparently registered be rejected by such judges, such person may afterwards produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of said judges, in which it shall be stated how long he has resided in any precinct within such primary district and in the county and State; that he is a male citizen of the United States and is a member of the political party holding such election, and is a duly qualified voter at such primary election in such district and that he is the identical person so registered or so named. But the affidavit aforesaid shall be supported by an affidavit by at least two registered voters, who are householders residing in such primary district, stating their own residence and that they know such person to be a member of the political party holding such primary election, and that such person does reside at the place mentioned, and has resided in such primary district and in such election precinct, county and State for the length of time as stated by such person, which affidavit shall also be subscribed and sworn to as the affidavit last aforesaid. Whereupon the vote of such person shall be received and entered as other votes. But the clerks having charge of such poll books shall state in their respective poll books the facts in such case and the name of the person challenging; and the affidavits so delivered to said judges shall be preserved and returned to the officer entitled to receive them. Any registered voter of the party in the district may challenge. Blank affidavits of the character aforesaid shall be sent out to judges of all the districts and the judges of election shall furnish the same on demand and administer the oath without criticism. Such oaths, if administered by any other officer than a judge of elec-

tion, shall not be received: *Provided*, that no judge, challenger or other person shall in bad faith, or for purpose of delay, challenge or question registered voters of the district.

63. CHALLENGER.] [§ 397, Ch. 46, R. S.] The judges of election shall permit each different ticket of delegates to be represented by a challenger chosen by a majority of those named for delegates on any particular ticket. Said challengers shall be protected in the discharge of their duty by the judges of election and the police. Said challengers shall be permitted to remain within the polling place in such a position as will enable them to see each person as he offers his vote and said challengers may remain within the polling place throughout the canvass of the vote and until the returns are signed. The challengers shall be permitted to remain so near that they can see the judges and clerks are faithfully performing their duties.

64. POLICE.] [§ 398, Ch. 46, R. S.] The judges of election shall admit one or more policemen to be present in said polling place at the time of such canvass. None but the officers of such primary election, challengers and peace officers shall occupy such polling place except for the purpose of voting.

65. POWER OF JUDGES.] [§ 399, Ch. 46, R. S.] The judges of election shall have the power to administer and certify oaths required during the progress of any primary election held under this act, and they shall have authority to keep the peace, and to cause any person to be arrested for any breach of the peace or for any breach of election laws, or any interference with the progress of such election or of the canvass of the ballots, and it shall be the duty of all officers of the law present to obey the orders of such judges of election, and an officer making an arrest by the order of any judge for any violation of the provisions of this act shall be protected in making such arrest, the same as if the warrant had been issued to him to make such arrest.

66. CANVASS OF VOTES.] [§ 400, Ch. 46, R. S.] Immediately upon the closing of the polls the judges and clerks shall proceed to canvass the votes polled. If two or more ballots are found folded together and within each other, so as to appear to have been cast by the same person as one ballot, and the inner ballot or ballots are without the proper initial mark, as provided in this act, then all such ballots so folded together, including the outer one, whether such outer one is properly marked on the back thereof as provided in this act or not, shall, as nearly as may be, in the same condition as found, be marked "stuffed," and such ballots shall be void and shall not be counted, and the same shall be placed in an envelope marked "stuffed ballots," which envelope shall be sealed and preserved, together with the other ballots. If the ballots remaining shall be found to exceed the number of names entered on the poll lists, such judges and clerks shall reject the ballots, if any be found upon which the proper initial marks do not appear. If the number of ballots still exceed the number of names entered on such poll list, the ballots remaining shall be replaced in the ballot box and the box

closed and well shaken, and again opened, and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess, keeping a note of the number of such ballots and noting the same on the statement of returns. Such judges and clerks shall then proceed to count, declare and record the votes in the following manner: The judges shall open all the ballots and place in separate piles those which contain the same names throughout. Each of the judges shall examine such separate piles and exclude from such piles any ballots which do not contain all the same names for all the same conventions. One of said judges shall then take one pile of the ballots which contain the same names and count them carefully, examining each name and convention on each of such ballots. Such judge shall then pass the ballots aforesaid to the judge sitting next to him, who shall count them in the same manner, and he shall then pass them to the third judge, who shall also count them in the same manner. The third judge shall then call the names of the persons named in such ballots and the conventions for which they are designated, together with the number of votes for each so far as counted, and the poll clerks shall tally the number of votes for each of such persons on tally sheets. When such judges have counted through such first pile of ballots containing the same names, and when the poll clerks shall have tallied the votes for each of the delegates named in such ballots, they shall then take up the next pile of ballots containing the same names and shall count them in the same manner as last aforesaid. When the counting of each pile of ballots which contain the same names shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it in a loud voice to the judges. The judges shall then canvass the other kind of ballots, which, in names or conventions, do not correspond with one another. They shall be canvassed separately by one of the judges, sitting between two other judges, which one judge shall read to the clerks from each such ballot each name and the convention for which such name is designated, and the other judges looking at the ballot at the same time, and the poll clerks tallying the same. When all these ballots have been canvassed in this manner, the clerks shall compare their tallies together and ascertain the total number of votes received by each person, and when they agree upon the number, one of them shall announce in a loud voice to the judges the number of votes received by each person.

67. ADJOURNMENT PROHIBITED—STATEMENT OF VOTES—RETURNS.] [§. 401, Ch. 46, R. S.] Such canvass shall not be adjourned or postponed until the several statements hereinafter required to be made by the judges and clerks have been made and signed by them. Upon the completion of such canvass the judges of election shall declare the result thereof, and such declaration shall be *prima facie* evidence of the result. The judges of election shall make three statements of all the votes cast at such primary election. Such statement shall be substantially in the following form:

# REPUBLICAN (OR DEMOCRATIC).

## STATEMENT OF VOTES.

State of Illinois, }  
County of..... } ss.

At a primary election held on the.....day.....A. D. 19..  
between the hours of 12 o'clock noon and 7 o'clock p. m., at.....  
in the.....primary district of the.....ward, of the  
town of .....of the city of.....county of.....  
and State of Illinois, the following named persons received the num-  
ber of votes annexed to the (their) respective names for the following  
described conventions, to-wit:

.....  
.....received.....votes for city convention  
.....received.....votes for city convention  
.....received.....votes for city convention  
.....  
.....received.....votes for town convention  
.....received.....votes for town convention  
.....received.....votes for town convention  
.....  
.....received.....votes for ward convention  
.....received.....votes for ward convention  
.....received.....votes for ward convention  
.....

This is to certify that the foregoing statement, showing the total  
number of votes for each of the above-mentioned persons for the con-  
ventions annexed to their respective names, is correct in every re-  
spect.

Given under our hands this.....day of.....A. D....

.....  
.....  
.....

*Judges of Election.*

(Witnessed by)

.....  
.....

*Clerks of Election.*

Such statements shall show the whole number of votes given for each person, and the convention for which he is designated, and such judges shall certify that such statements are correct in every respect, and the clerks of election shall witness the same. Each such statement and each sheet of paper forming a part of such statement shall be subscribed by the judges and election clerks. If any judge or clerk shall decline to sign such statements, he shall state his reasons therefor in writing, and a copy thereof, signed by himself, shall be enclosed with each statement. One statement, as aforesaid, of the votes cast shall, after being made out as aforesaid, be attached to the poll book; another statement as last aforesaid shall be enclosed in an envelope, properly endorsed and marked by such judges, and the same shall, by one of such judges, be addressed and carried to the office of the chairman of the central committee or managing committee of such political party, who filed the call or application for primaries, and the receipt of such chairman shall be taken therefor. Another statement shall be enclosed in an envelope, which shall then be securely sealed, and each of the judges shall write his name across every fold at which the envelope, if unfastened, could be opened. On the outside of such envelope shall appear substantially the following words: "Statement of all Republican (or Democratic) votes cast at the ..... Primary District of the ..... ward of the town of ..... county of ..... on the ..... day of ..... A. D. 19...."

The envelope last aforesaid shall be addressed to the person, officer, board or board of election commissioners, by the general election law charged with the duty of receiving and preserving election returns, and one of the judges shall carry the same to such person, officer or board, as the case may be, and take a receipt for the same.

68. CERTIFICATE OF ELECTION—TIE VOTE.] [§ 402, Ch. 46, R. S.] The judges of election of each primary district shall issue a certificate of election to each person who has received a plurality of all the votes cast for delegates or alternate delegates to any particular convention from such primary district, and they shall deliver the same to the persons entitled thereto. In case two or more persons each receive the same and the highest number of votes cast for delegates or alternate delegates to the convention, then the judges of election shall then and there decide by lot which person or persons shall be entitled to such certificate, and they shall issue to each such person so chosen such certificate, and make a note of such fact upon the statements provided for in this act. Such certificate of election shall be evidence *prima facie* of the right of the person therein named to a seat in the convention therein named.

69. PERJURY AND SUBORNATION OF PERJURY—PENALTY.] [§ 403, Ch. 46, R. S.] Any person who shall wilfully, corruptly and falsely swear or affirm in taking any oath or affirmation prescribed by or upon any examination provided for in this act, and every person who shall wilfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so

to do, shall be guilty of perjury, or subornation of perjury, as the case may be, and shall, upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

70. JUDGE OR CLERK REFUSING TO CANVASS VOTES OR MAKE RETURNS—PENALTY.] [§ 404 Ch. 46, R. S.] If any judge or clerk shall neglect or refuse to canvass the votes at the time and in the manner provided for in this act, or refuse to make the returns required in this act, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

71. FALSE RETURNS, ETC.,—PENALTY.] [§ 405, Ch. 46, R. S.] Every judge of election, clerk or other officer or person authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at such election in any district, who shall wilfully make any false canvass of such votes, or who shall make, enter, write, sign, publish or deliver any false return of such election, or any false statement of the result of such election, or any material writing incidental to such election, knowing the same to be false, shall, on conviction thereof, be adjudged guilty of a felony under this act.

72. PENALTY FOR REFUSING CERTIFICATE OF ELECTION, ETC.] [§ 406, Ch. 46, R. S.] If any person acting as a judge at such primary election shall wilfully, fraudulently and without lawful excuse refuse to make out, sign or deliver to the person entitled thereto any certificate of election as delegate or alternate delegate, provided for in this act, or shall wilfully and fraudulently make out, sign and issue such certificate of election to any person not entitled thereto, or shall issue such certificate of election to any person at any time in advance of the official count of the votes at such polling place, or shall commit any other wilful or fraudulent act with reference to such certificate, such person shall, upon conviction thereof, be adjudged guilty of a felony under this act.

73. CANVASSING VOTES WHEN LESS THAN MAJORITY PRESENT—PENALTY FOR JUDGE ABSENTING HIMSELF.] [§ 407, Ch. 46, R. S.] If any judge of a primary election shall, without urgent necessity, absent himself from the polling place during election, whereby less than a majority of all the judges of such election district shall be present during such hours of election or canvass of ballots; or if at any election any judge of election or clerk, shall, knowingly and wilfully, receive any vote, or proceed with the canvass of ballots, or shall consent thereto, unless a majority of the judges of election are present and concur, such judge or such clerk shall be guilty of a misdemeanor under this act.

74. EXCLUDING VOTE—RECEIVING CHALLENGED VOTE—PENALTY.] [§ 408, Ch. 46, R. S.] Any judge of election who shall wilfully exclude any vote duly tendered and unchallenged, knowing that the person offering the same is lawfully entitled to vote at such election, or who shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, with-



out exacting from such person such oath or other proof of qualifications as may be required by law, shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

75. TAMPERING WITH BALLOTS.] [§ 409, Ch. 46, R. S.] If any judge of election shall knowingly and wilfully cause or permit any ballot or ballots, or semblance thereof, to be in the ballot box at the opening of the polls and before voting begins, or shall knowingly, wilfully and fraudulently put, or permit to be put, any ballot or other paper having the semblance thereof, into any such box at any such election;

Or if any person other than a judge of election, shall at any such election wilfully and fraudulently put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes;

Or if any person shall at such election fraudulently change or alter the ballot of any elector or substitute one ballot for another;

Or if any such judge of election or other officer or person shall fraudulently, during the canvass of ballots, in any manner change, substitute or alter any ballot taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed;

Every such judge or person shall, upon conviction thereof, be adjudged guilty of a felony under this act.

76. OTHER ACTS DECLARED MISDEMEANORS.] [§ 410, Ch. 46, R. S.] If any judge of election, clerk or other officer of election, of whom any duty is required in this act or by the general laws of this State, for the omission of which duty no punishment is provided, shall be guilty of any wilful neglect of such duty or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

77. TAMPERING WITH BALLOT BOX, RECORDS, ETC.—PENALTY.] [§ 411, Ch. 46, R. S.] Any person or member of a board, or any judge of election, clerk or other officer, who is guilty of stealing, wilfully and wrongfully breaking, destroying, mutilating, defacing, falsifying, or unlawfully removing or secreting or detaining the whole or any part of any ballot box or receptacle for ballots, or any record, registry of voters, or copy thereof, oath, return or statement of votes, certificate, poll list, or of any paper or document provided for in this act;

Or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony under this act.

Every person who advises, procures or abets the commission of any of the acts mentioned in the last preceding two paragraphs, shall, upon conviction thereof, be adjudged guilty of a felony under this act.

78. OBSTRUCTING OFFICERS OR CHALLENGERS—PENALTY.] [§ 412, Ch. 46, R. S.] If any person knowingly or wilfully shall obstruct, hinder or assault, or by bribery, solicitation or otherwise interfere

with any judge of election, clerk or challenger, in the performance of any duty required of him, or which he may be by law authorized or permitted to perform;

Or if any person, by any of the means before mentioned or otherwise unlawfully shall, on the day of election, hinder or prevent any judge of primary election, clerk or challenger, in his free attendance and presence at the place of election in the primary election district in and for which he is appointed or designated to serve;

Or in his full and free access and egress to and from any such place of election;

Or shall molest, interfere with, remove or eject from any such place of election any such judge of election, clerk or challenger, except as otherwise provided in this act, or shall unlawfully threaten, or attempt or offer so to do;

Every such person shall be deemed guilty of a misdemeanor under this act.

79. DISOBEYING LAWFUL COMMAND OF JUDGE—PENALTY.] § 413 Ch. 46, R. S.] If any person shall wilfully disobey any lawful command of any judge of election, given in the execution of his duty as such, at any such primary election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

80. CAUSING BREACH OF PEACE, ETC.—PENALTY.] [§ 414, Ch. 46, R. S.] If, on any day of primary election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace or be guilty of any disorderly violence, or threats of violence whereby any such election or canvass shall be impeded or hindered, or whereby the lawful proceedings of any judge of election or clerk, or other officer of such election or challenger, are interfered with, or causes intoxicating liquors to be brought or sent to the polling place, every such person shall, upon conviction thereof, be guilty of a misdemeanor under this act.

81. ILLEGAL VOTING—PENALTY.] [§ 415, Ch. 46, R. S.] Any person who votes with a certain party at such primary election, when he knows he is not qualified so to vote under the provisions of this act, shall upon conviction thereof, be deemed guilty of a misdemeanor under this act.

82. CONVICTS VOTING—PENALTY.] [§ 416, Ch. 46, R. S.] If any person who shall have been convicted of bribery, felony or other infamous crime under the laws of any state, and who has never received a pardon for such offense from the officer or board entitled to grant such pardon, shall thereafter vote, or offer to vote, at any primary election in such city, village or incorporated town, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

83. WAITING IN LINE OF VOTERS—WHEN A MISDEMEANOR—PENALTY.] [§ 417, Ch. 46, R. S.] If any person, knowing that he is not qualified to vote at such primary election, takes a place in any line of voters waiting to vote at any election, or if any person, after having voted at such election, takes a place in such waiting line, or if

any person repeatedly takes a place in such waiting line without voting when the opportunity comes, and who systematically gives up his place in such waiting line, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

84. PERSONATING ELECTOR—VOTING MORE THAN ONCE—PENALTY.] [§ 418, Ch. 46, R. S.] If at any such election, any person shall falsely personate any elector legally qualified to vote at such primary election, and vote, or attempt or offer to vote, in or upon the name of such elector or other person, living or dead; or shall knowingly, wilfully or fraudulently vote, or attempt or offer to vote more than once, or vote in more than one primary district; or shall by force, threat, menace, intimidation, bribery or reward, or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence any elector in giving his vote;

Or shall unlawfully prevent or hinder, or unlawfully attempt to prevent or hinder, any qualified voter from freely exercising the right of suffrage;

Or shall, by any such unlawful means, compel or induce, or attempt to compel or induce, any judge of election or other officer to receive the vote of any person not legally qualified or entitled to vote at the said election;

Or by any such means, or other unlawful means, wilfully, knowingly or fraudulently counsel, advise, induce, or attempt to induce, any judge of election or other officer of election, whose duty it is to ascertain, proclaim, announce or declare the result of any such election, to give or make any false certificate, document, report, return or other false evidence in relation thereto, or to refuse to comply with his duty, as specifically provided for in this act, or to refuse to receive the vote of any person entitled to vote therein;

Or shall aid, counsel, advise, procure or assist any legally qualified voter, person or judge of election, or other officer of election, to do any act by law forbidden, or in this act constituted an offense;

Every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

85. BOGUS BALLOTS AND TICKETS—PENALTY.] [§ 419, Ch. 46, R. S.] If any person shall, at any such election, fraudulently furnish any elector with a ballot containing more than the proper number of names;

Or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote, and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote; or otherwise defraud him of his vote; or if any person shall order or cause to be printed a bogus or partly bogus primary ticket, or a primary ticket of delegates or alternates without first having secured the consent of each person named on such ticket to stand as delegate or alternate delegate for a specified convention on

that particular ticket of names; or if any person causes to be brought or sent to the vicinity of a polling place such unauthorized tickets in order that they may be distributed;

Every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

86. OBTAINING FALSE CERTIFICATE OF ELECTION AS DELEGATE, ETC.—PENALTY.] [§ 420, Ch. 46, R. S.] Any person who shall make, seek or obtain for himself or another, a false certificate of election as delegate or alternate delegate to any convention, knowing that he or such other person is not entitled thereto, and any person who shall use, or attempt to use, such certificates of election, knowing the same to be false or fraudulent, or to have been issued for another person; and any person who shall fraudulently, knowingly and without right, act as a delegate or alternate delegate to any such convention shall, upon conviction thereof, be adjudged guilty of a felony under this act.

87. OTHER ACTS AND OMISSIONS OF DUTIES MADE MISDEMEANOR.] [§ 421, Ch. 46, R. S.] If any person shall commit any act prohibited herein, or refrain from doing any act or duty required to be done herein, and if any person shall in any manner be guilty of a violation of this act, whether the same is denominated an offense or not, and for which no punishment is herein specifically provided, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

88. PUNISHMENT FOR MISDEMEANOR AND FELONY.] [§ 422, Ch. 46, R. S.] Any person adjudged guilty of an offense denominated a misdemeanor under this act shall be fined not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or shall be imprisoned in the county jail not less than one month nor more than two years, or any such person may be punished by both such fine and imprisonment.

Any person adjudged guilty of an offense denominated a felony in this act shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

89. "HOUSEHOLDER" DEFINED.] [§ 422, Ch. 46, R. S.] The word "householder," as used in this act, shall mean the chief, or head of a family, who resides with a family as a family, and who supports and provides for such family as an independent family.

90. CONTESTS AND PROSECUTIONS—DOCUMENTS AND PAPERS AS EVIDENCE.] [§ 424, Ch. 46, R. S.] In all prosecutions and in all contests under this act it shall be the lawful duty of the clerk of the county, or of the board of election commissioners, or other officers having the custody thereof, to produce, open, exhibit and offer in evidence any notice, ballot book, registry book, bundle of ballots, returns, statements, or other documents or papers relating to the particular prosecution or contest for the purpose of enabling a full investigation.

91. IRREGULARITIES AND DEFECTS NO DEFENSE—JUDICIAL NOTICE TAKEN OF THIS ACT.] [§ 425, Ch. 46, R. S.] Irregularities or defects in the mode of calling, noticing, convening, holding or conduct-

ing any primary election authorized by law shall constitute no defense to a prosecution for a violation of this act. When an offense shall be committed in relation to any primary election an indictment for such offense shall be sufficient, if it allege that such election was authorized by law, without stating the call or notice of election aforesaid, the names of the judges or clerks holding such election, or the names of the persons voted for at such election. Judicial notice shall be taken of this act in any county, city, village or incorporated town to which this act shall apply and of the holding of any election thereunder on any primary election day.

92. REPEALS ACT 1889.] [§ 426, Ch. 46, R. S.] In counties, cities, villages or incorporated towns to which this act shall apply, as hereinafter provided, the act entitled, "An act to regulate primary elections of voluntary political associations, and to punish frauds therein," approved June 6, 1889, and in force July 1, 1889, is hereby declared to be, and the same is and shall be, inoperative and of no force and effect; and the adoption of this act shall have the force and effect of repealing all laws and parts of laws inconsistent therewith within the municipality adopting this act.

93. HOW THIS ACT MAY BE ADOPTED—IN FORCE IN COUNTIES OF 125,000.] [§ 427, Ch. 46, R. S.] The electors of any county, city, village or incorporated town now existing or hereafter existing, in this State, may adopt and become entitled to the benefit of this act in the following manner.

Whenever 1,000 of the legal voters of such county, city, village or incorporated town, voting at the last preceding election, shall petition the judge of the county court of such county to submit to a vote of the electors of said county, city, village or incorporated town, respectively; the proposition as to whether such county, city, village, or incorporated town, respectively, and the electors thereof shall adopt and become entitled to the benefits of this act, it shall be the duty of such county court and the judge thereof to submit such proposition accordingly at the next succeeding general, State or county election, and if such proposition is not adopted at such election, the same shall, in like manner, be submitted to a vote of the electors of such county, city, village or incorporated town by such county court, and the judge thereof, upon like application, at any general, State or county election thereafter, and an order shall be entered of record in said county court, submitting the proposition, as aforesaid. If 1,000 shall exceed one-eighth of the legal voters of such county, city, village, or incorporated town, respectively, voting at the last preceding election, then such petition or application need not be signed or made by more than one-eighth of the legal voters of such county, city, village or incorporated town voting at the last preceding election.

The judge of said county court shall give at least ten days' notice of election at which such proposition is to be submitted by publishing such notice in one or more newspapers published in the county for at least five times, the first publication to be at least ten days before the day of election; and if no newspaper is published in said county, then by posting at least twenty-five copies of such notice in

twenty-five of the most prominent places in such county, city, village or incorporated town, respectively, at least ten days' before such election. Such election shall be held under the election law in force in such county, except as herein otherwise provided. The proposition so to be voted for shall be on a separate ballot, in plain, prominent type, and shall be prepared and provided for that purpose in the same manner as other ballots, and shall be substantially in the following form:

For adoption of the act for primary elections of political parties.....	Yes.	
	No.	

If the majority of the votes cast upon such proposition shall be voted for such proposition, this act shall thereby be adopted by such county, city, village or incorporated town, respectively, and the judge of the county court of the county shall thereupon enter of record an order declaring this act in force in all parts of such county, city, village or incorporated town, respectively.

*Provided*, that in counties of 125,000 inhabitants or more this act shall be in full force and effect without submitting the question of its adoption to a vote of the people.

*And, provided further*, that in counties of less than 125,000 inhabitants which may have heretofore adopted the provisions of this act, none of the provisions of this act shall be operative unless hereafter adopted regularly by such county in the manner herein provided.

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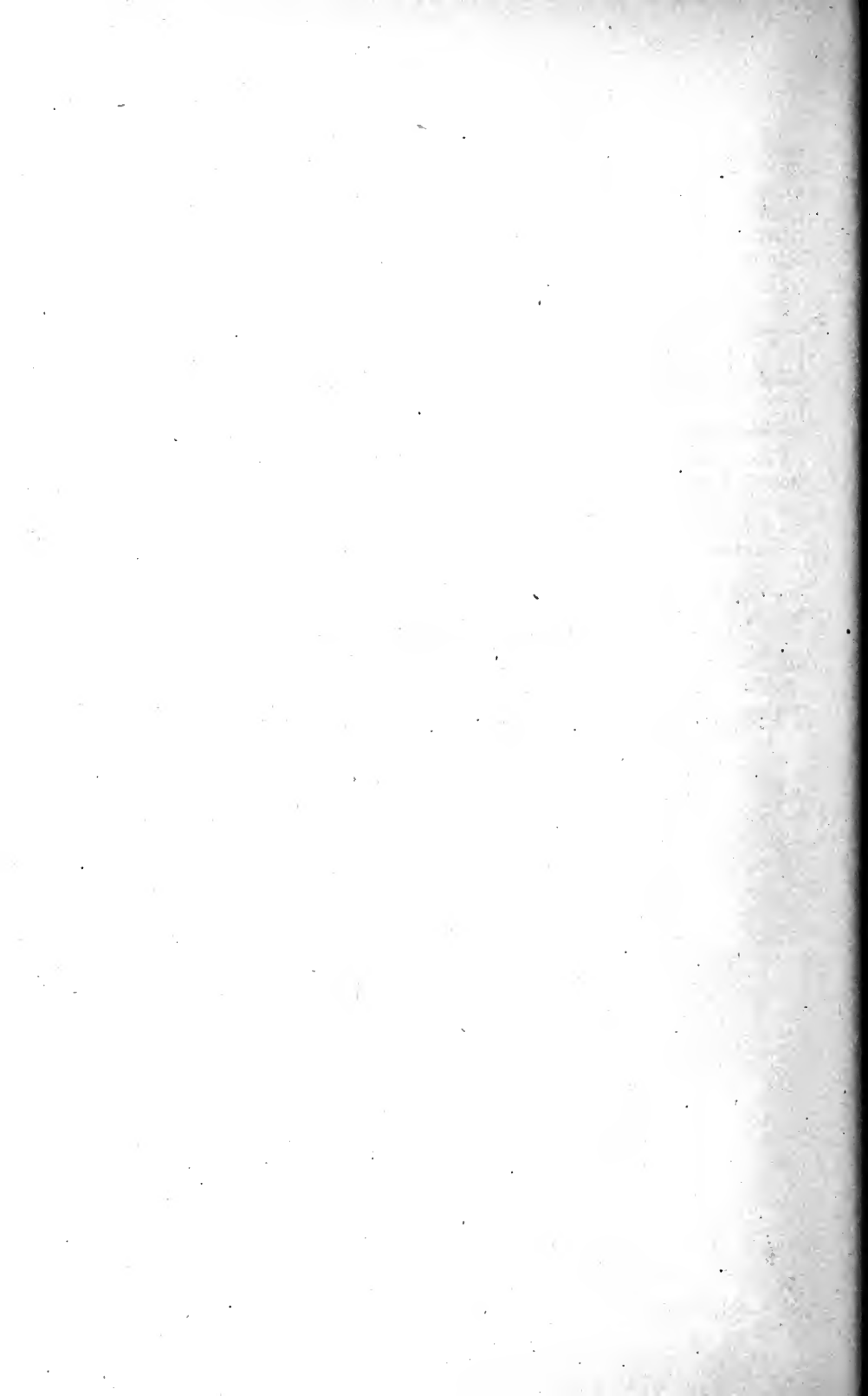
# FORMS

PREPARED BY THE SECRETARY OF STATE

*In Conformity with the Provisions of the Statutes.*

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[To be filed with the Secretary of State not less than 30 days before the election.]

# STATE OF ILLINOIS.

## CERTIFICATE OF NOMINATION FOR STATE OFFICES.

To the Secretary of State, Springfield, Ill.:

We, the undersigned, in accordance with the law relating thereto, do hereby certify that at a convention of delegates representing the..... party, held in the city of.....county of.....and State of Illinois, on the.....day of....., A. D. 190...; the following nominations were made for the offices herein designated, viz.:

Office to be Filled.	Name of Candidate.	Party.	Residence. (Street and No., if any.)
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

.....  
of.....Illinois,  
Secretary of the Convention.

.....  
of.....Illinois,  
Chairman of the Convention.

STATE OF ILLINOIS, }  
.....County. } ss.

Personally appeared before me this.....day of.....A. D. 190..., .....and ....., whose names are subscribed to the above certificate, who, being duly sworn, on their oath say that they severally subscribed the same as chairman and secretary, respectively, of the convention aforesaid, and that the same is true to the best of their knowledge and belief.

[Imp. of Seal.]

.....  
Notary Public.

[To be filed with the Secretary of State at least 30 days before the election.]

# STATE OF ILLINOIS.

## CERTIFICATE OF NOMINATION FOR DISTRICT OFFICES.

To the Secretary of State, Springfield, Ill.:

We, the undersigned, in accordance with the law relating thereto, do certify that at a convention of delegates representing the..... party in the..... district, State of Illinois, held in the..... of..... county of..... and State of Illinois, on the..... day of..... A. D. 190., the following nominations were made for the offices herein designated, viz.:

Office to be Filled.	Name of Candidate.	Party.	Residence. (Street and No., if any.)
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

.....  
of..... Illinois.  
Secretary of the Convention.

.....  
of..... Illinois,  
Chairman of the Convention.

STATE OF ILLINOIS, }  
..... County. } ss.

Personally appeared before me this..... day of..... A. D. 190., ..... and....., whose names are subscribed to the above certificate, who, being duly sworn, on their oaths say that they severally subscribed the same as chairman and secretary, respectively, of the convention aforesaid, and that the same is true to the best of their knowledge and belief.

[Imp. of Seal.]

.....  
Notary Public.

[To be filed with the County Clerk not less than 30 days before the day of election.]

# STATE OF ILLINOIS.

## CERTIFICATE OF NOMINATION FOR COUNTY OFFICES.

To the County Clerk of.....County,.....Illinois:

We, the undersigned, in accordance with the law relating thereto, do hereby certify that at a convention of delegates representing the..... party, in the county of.....State of Illinois, held in the.....of....., county of.....and State of Illinois, on the.....day of.....A. D. 190..., the following nominations were made for the offices herein designated, viz.:

Office to be Filled.	Name of Candidate.	Party.	Residence. (Street and No., if any.)
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

of.....Illinois,  
Secretary of the Convention.

of.....Illinois,  
Chairman of the Convention.

STATE OF ILLINOIS, }  
.....COUNTY, } ss.

Personally appeared before me this.....day of.....A. D. 190..., .....and....., whose names are subscribed to the above certificate, who, being duly sworn, on their oaths say that they severally subscribed the same as chairman and secretary, respectively, of the convention aforesaid, and that the same is true to the best of their knowledge and belief.

[Imp. of Seal.]

.....  
Notary Public.

[To be filed with the city, town or village clerk at least 15 days before the election.]

# STATE OF ILLINOIS.

## CERTIFICATE OF NOMINATION FOR CITY, TOWN AND VILLAGE OFFICES.

To the.....Clerk.....of.....Illinois:

We, the undersigned, in accordance with the law relating thereto, do hereby certify that at a.....representing the.....party in the.....of.....county of.....and the State of Illinois, and held for that purpose in the.....of.....county of.....and State of Illinois on the.....day of.....A. D. 190., the following nominations were made for the offices herein designated, viz:

Office to be filled.	Name of Candidate.	Party.	Residence. (Street and No. if any.)
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

of.....Illinois,  
Secretary of the Convention.

of.....Illinois,  
Chairman of the Convention.

STATE OF ILLINOIS, }  
.....County. } ss

Personally appeared before me this.....day of.....A. D. 190., .....and.....whose names are subscribed to the above certificate, who, being duly sworn, on their oaths say that they severally subscribed the same as chairman and secretary, respectively, of the.....aforesaid, and that the same is true to the best of their knowledge and belief.

[Imp. of Seal.]

.....  
Notary Public.

[To be filed with the Secretary of State or proper clerk forthwith.]

STATE OF ILLINOIS.

CERTIFICATE OF NOMINATION TO FILL VACANCIES.

To the.....Illinois:

We, the undersigned, in accordance with the law relating thereto do hereby certify, that at a convention of delegates representing the..... party, (which said..... party polled more than 2 per cent of the entire vote cast at the last preceding election) held in the city of....., county of....., and State of Illinois, on this..... day of....., A. D. 190....., among others.....residing in....., in the.....of..... county of....., and State aforesaid, was nominated for the office of.....; that on the.....day of..... A. D. 190....., the said..... thereby causing a vacancy in the nomination for said office, and that in accordance with the provisions of law relating thereto, nominations have been made for the filling of said vacancy, as follows, viz.:

Office to be filled.....  
 Name of candidate.....  
 Party.....  
 Residence.....

[One of the three following forms for certificate to be used, as the case may require.]

We further certify, that said nomination was made by a convention of delegates representing the said.....party, duly called, and held in the.....of....., county of....., and State of Illinois, on the.....day of....., A. D. 190....., for the purpose of filling such vacancy.

We further certify, that the time within which a convention of delegates representing said.....party might be called and held, for the purpose of filling such vacancy, being insufficient, this nomination, for the purpose of filling the aforesaid vacancy, is made pursuant to the manner following, provided by the convention or caucus first mentioned, that is to say,

We further certify, that the time within which a convention of delegates representing said.....party might be called and held, for the purpose of filling such vacancy, being insufficient, and the convention having made no provision therefor, the subscribers, being the regularly elected (general or) executive committee representing such party have designated the person above named as the candidate of said party for the office herein mentioned.

..... of.....Illinois. of.....Illinois.  
 Secretary of Committee Chairman of Committee.

STATE OF ILLINOIS }  
 .....County } ss.

Personally appeared before me, this.....day of.....A. D. 190....., and....., whose names are subscribed to the above certificate, who being duly sworn, on their oaths say, that they severally subscribed the same as.....and.....and that the same is true to the best of their knowledge and belief.

[Imp. of Seal.]

Notary Public.

[To be filed with the Secretary of State before 12:00 o'clock noon of the day before Primary Election.]

NOMINATION PAPER—(CONGRESSIONAL OR LEGISLATIVE.)

We, the undersigned qualified voters of the .....th.....district, here nominate.....of.....county of....., State of Illinois, as the candidate of the.....party for the office of.....for the district aforesaid, and we certify that we have not voted at a primary election nor signed any other petition for the nomination of any candidate for the office aforesaid:

	SIGNATURES.	Address; with street number in cities of 10,000.
1	.....	.....
2	.....	.....
3	.....	.....
4	.....	.....
5	.....	.....
6	.....	.....
7	.....	.....
8	.....	.....
9	.....	.....
10	.....	.....
11	.....	.....
12	.....	.....
13	.....	.....
14	.....	.....
15	.....	.....
16	.....	.....
17	.....	.....
18	.....	.....
19	.....	.....
20	.....	.....
21	.....	.....
22	.....	.....
23	.....	.....
24	.....	.....
25	.....	.....

STATE OF ILLINOIS, } ss. I, ....., an adult resident of the.....th.....district, hereby certify that my residence address is No.....street, ....., Illinois; that the signatures on this sheet were signed in my presence and are genuine; that, to the best of my knowledge and belief, the persons so signing were, at the time of signing, qualified and duly registered voters of the district aforesaid and that their respective addresses are correctly stated therein.

Subscribed and sworn to before me this.....day  
[SEAL] of.....A. D. 190...

Notary Public.

[Form of receipt for ballots delivered by clerks. See Article VII, Section 4.]

.....190....

RECEIVED OF.....Clerk

of.....

.....packages of.....ballots

each, total.....for use at an election to be held

at.....on the.....

day of.....190....

.....

.....

.....} Judges.

[Form of receipt for ballots returned by judges. See Article X, Section 10.]

.....190....

RECEIVED OF.....

.....} Judges of Election.

.....

.....ballots not voted and.....ballots

spoiled, being the number remaining after closing the polls at an election

held at.....on the.....day

of.....190....

No. ballots voted, - - .....

No. ballots spoiled, - .....Clerk

No. ballots not voted, - .....of.....

\_\_\_\_\_  
Total, - - .....





# INDEX TO ELECTION LAWS.

## GENERAL ELECTIONS.

<b>AFFIDAVITS:</b>	<b>PAGE.</b>	<b>BOOTHs:</b>	<b>PAGE.</b>
Of voter.....	42	Description, number, stationery for....	41
Of witness.....	43		
<b>AMENDMENTS:</b>		<b>CANDIDATES:</b>	
Constitutional, publication of.....	78	Death—declination, etc.....	34
Constitutional, voting on.....	38	Nomination of.....	30, 31
		To fill vacancy.....	35
		Withdrawal, vacancy, etc.....	33
<b>APPORTIONMENT:</b>			
Congressional.....	67	<b>CANVASS OF BALLOTS:</b>	
Judicial—		How made, proclamation, etc.....	48
Appellate courts.....	76		
Circuit courts.....	10, 77	<b>CANVASS OF RETURNS:</b>	
Supreme courts.....	75	How made by county clerk.....	52
Representative and Senatorial.....	8, 69	How made by Secretary of State.....	53
		Proclamation by Governor.....	53
<b>ATTORNEY GENERAL:</b>			
Election, term, residence, duties.....	9, 16	<b>CERTIFICATES:</b>	
<b>AUDITOR OF PUBLIC ACCOUNTS:</b>		Of Election—	
Election, term, residence, duties.....	16	Issued by county clerk.....	52
		Issued by Governor.....	53
<b>BALLOT:</b>		Of Nomination—	
All votes by.....	14	(Blanks)—	
Forms of.....	36, 37, 78	For city, town or village office.....	198
Publication of.....	38, 40	For county office.....	197
Separate for propositions to be voted		For district office.....	196
on.....	38, 78	For State office.....	195
		For vacancies to be filled.....	199
<b>BALLOT BOXES:</b>		By petition.....	31
County board to provide.....	40	Objections to, how decided.....	34
Publicly exhibited, locked, keys to.....	44	Where filed.....	33
		Withdrawal, vacancy, etc.....	35
<b>BALLOTS:</b>			
Blank form of receipt for.....	201	<b>CHALLENGERS:</b>	
Canvass and disposition of.....	48	Two allowed for each party.....	52
Cumulative.....	39, 47		
Form of—how printed and by whom.....	37, 38, 40, 43	<b>CLERKS:</b>	
Manner of preparing.....	45	General provisions concerning elec-	
Manner of voting.....	45	tion of.....	18
Pasters on.....	35		
Printed at public expense.....	36	City, Village or Town—	
Record of ballots delivered.....	202	Charged with printing and distribu-	
Specimens to be posted.....	40	tion of ballots.....	37, 40
Spoiled and not counted.....	47		
To be counted in contest.....	57	County—	
Unlawful exhibition of.....	61	Blank form of receipt for ballots.....	201
What to contain.....	36, 38, 43	Duty in canvassing returns.....	52
Women's.....	43	Duty in case of tie vote.....	52
		Election, term, etc.....	18
<b>BOARD OF EQUALIZATION:</b>		Have charge of printing ballots, etc.....	37, 40
Election of members, term, etc.....	17	Issues certificates of election.....	52
		Makes returns to Secretary of State.....	52
<b>BOARD OF REGISTRATION:</b>		Neglect of duty.....	62
Compensation of members.....	30	Record of ballots delivered.....	202
Meeting, duties, etc.....	26, 30	To furnish blanks, poll books, etc.....	41
Offenses and penalties.....	63		

*Index, General Elections—Continued.*

<i>CLERKS—Concluded.</i>	PAGE.	<i>COURTS—Concluded.</i>	PAGE.
Of Courts— <i>Concluded.</i>		Supreme—	
Appellate, election, term, etc.....	18	Apportionment.....	75
Circuit, election, term, etc.....	18	Chief Justice—election, term, etc.....	9
City, election, term, etc.....	18	Clerks—election, term, etc.....	10, 18
Cook county, election, term, etc.....	10, 18	Judges—election, term, etc.....	9, 12, 17
Criminal, election, term, etc.....	18		
Probate, election, term, etc.....	18	CUMULATIVE VOTES:	
Superior, election, term, etc.....	18	How voted.....	39, 47
Supreme, election, term, etc.....	10, 18		
Of Election—		ELECTIONS:	
Appointments, oath, etc.....	25	Calendar of.....	7
Compensation.....	29	Contesting, notices, depositions, etc.....	54
Offenses and penalties.....	61	Manner of conducting.....	44
		No adjournment or recess.....	45
COMMISSIONERS:		Primary—see "Primary Elections" in-	
County—		dex.....	207
Cook county, election, term, etc.....	11, 20	Proclamation on opening and closing	
Election, term, etc.....	11, 20	polls.....	44
Of Elections—		Returns, canvass of.....	52, 53
Charged with printing and distribu-		Time polls kept open.....	44
tion of ballots.....	37, 40	Voting machines authorized.....	79
COMPENSATION:			
Of election officers.....	29	ELECTION PRECINCTS:	
CONGRESS:		Change, division, etc.....	21
Apportionment for.....	67	ELECTORS OF PRESIDENT AED VICE	
Election of representatives.....	16	PRESIDENT:	
CONSTABLES:		Election. certificates, returns, meeting,	
Appointment by county board or		etc.....	15
judges.....	26	ELIGIBILITY:	
Compensation.....	30	Constitutional provisions concerning..	11
Election of.....	10	GENERAL ASSEMBLY:	
Special.....	26	Election of members.....	8, 11, 17
Suppressing riots, arrests.....	26	GOVERNOR:	
CONTESTS:		Election, term, residence, duties, etc.....	9, 16
Nominations, how decided.....	34	Issues certificates of election.....	15, 53
Who may contest, notices, etc.....	51	Present during canvass of returns.....	53
Who may hear and determine.....	34	Proclamation of, concerning result of	
CONVICTS:		canvass.....	53
Disqualified to vote.....	43	GOVERNOR, LIEUTENANT:	
CORONER:		Election, term, residence, duties.....	9, 16
Election, term, etc.....	19	INSTRUCTIONS TO VOTERS:	
COURTS:		Election officers to print and post.....	40
Appellate—		JUDGES:	
Apportionment.....	76	General provisions concerning elec-	
Election of clerk, term, etc.....	18	tion of.....	12, 17
Circuit—		Of Circuit Courts—	
Apportionment, election of judges..	10, 77	Election, term, etc.....	10, 17, 77
Clerks—election, term, etc.....	10, 13, 18	Of City Courts—	
Cook county one circuit.....	10	Election, term, etc.....	18
Judges—election, term, etc.....	10, 12, 17	Of County Courts—	
City—		Election, term, etc.....	12, 18
Clerks—election, term, etc.....	13, 19	Of Elections—	
Judges—election, term, etc.....	12, 18	Appointment, qualifications, etc.....	22
County—		Blank form of receipts for ballots.....	201
Clerks—election, term, etc.....	13, 18	Compensation.....	29
Judges—election, term, etc.....	12, 17	Offenses and penalties.....	61
Criminal, Cook County—		To allow challengers.....	52
Clerk—election, term, etc.....	11, 18	To keep ballot boxes.....	41
Probate—		To post specimen ballots, etc.....	40
Clerk—election, term, etc.....	19	Of Probate Courts—	
Judges—election, term, etc.....	12, 18	Election, term, etc.....	18
Superior—		Of Superior Courts—	
Clerk—election, term, etc.....	11, 18	Additional judges.....	10
Judges—election, term, etc.....	10, 12, 17	Election, term, etc.....	10, 12, 17

*Index, General Elections—Continued.*

<b>JUDGES—<i>Concluded.</i></b>	<b>PAGE.</b>	<b>POLLS:</b>	<b>PAGE.</b>
Of Supreme Court—		Electioneering at, prohibited .....	61
Election, term, etc .....	10, 12, 17	No adjournment or recess .....	45
		Time kept open .....	44
<b>JUSTICE:</b>		<b>PRECINCTS, ELECTION:</b>	
Chief, Supreme Court, election, term ....	9	Change of, division, etc .....	21
<b>JUSTICES AND CONSTABLES:</b>		Polling places at Soldiers' Home .....	21
Election, term, jurisdiction, etc .....	10, 20	<b>PRIMARIES:</b>	
<b>LIQUOR:</b>		See "Primary Elections," index .....	207
Offenses and penalties regarding .....	58	<b>PROCLAMATIONS:</b>	
<b>MEMBERS OF CONGRESS:</b>		On opening and closing polls .....	44
Apportionment .....	67	<b>PUBLICATION:</b>	
Election, term, etc .....	16	Of ballot .....	39, 40
<b>MINORITY REPRESENTATION:</b>		Of lists .....	40
Constitutional provisions concerning ..	8	Of propositions to be voted for .....	38, 78
<b>MUNICIPAL OFFICERS:</b>		<b>QUALIFICATIONS:</b>	
Eligibility, salary, etc .....	13	Of clerks of elections .....	25
<b>NOMINATIONS:</b>		Of electors .....	14, 41
Blank forms for certificates of .....	195	Of inmates of charitable institutions ..	42
Caucus nominations, requisites .....	30, 31	Of judges of elections .....	23
Contested, how decided .....	34	Of public officers .....	12, 14
Nomination papers, signatures, etc ..	31, 200	Of witness .....	43
Publication of lists of .....	40	Of women .....	43
Secretary of State to certify .....	35	<b>QUESTIONS OF PUBLIC POLICY:</b>	
To fill vacancy .....	35	Submission to electors .....	78
<b>NOTICES:</b>		<b>RECORDER OF DEEDS:</b>	
Manner of giving election notices .....	35	Election, term, etc .....	14, 20
Secretary of State to certify nomina-		<b>REGISTER:</b>	
tions .....	35	Blanks furnished by Secretary of State ..	29
<b>OATHS:</b>		Checking list of voters .....	45
Of challenged voter and witness .....	42	Corrections, revisions .....	28
Of judges and clerks of election .....	25	Exceptions in making .....	29
<b>OFFENSES AND PENALTIES:</b>		Filing, delivery, voting by, etc .....	28
By election officers .....	61	Manner of making .....	26
By other persons .....	58	Open to inspection .....	29
<b>OFFICERS:</b>		Women may register .....	43
County—		<b>REGISTRATION:</b>	
Election, terms, etc .....	13, 19	Board of—	
Election—		Compensation .....	30
Appointment, qualifications .....	22	Meetings, register, etc .....	26, 27
Compensation of .....	29	Offenses and penalties .....	63
To post specimen ballots .....	40	Exceptions in making register .....	29
Municipal—		Fraudulent—false swearing, etc .....	58
Eligibility, salary, etc .....	13	<b>REPRESENTATIVES IN CONGRESS:</b>	
Public—		Apportionment for .....	67
Eligibility to office .....	11	Election, term, etc .....	16
Offenses and penalties .....	63	<b>REPRESENTATIVES, STATE:</b>	
State—		Apportionment .....	69
Blank certificate of nomination for ..	195	Cumulative vote for .....	39, 47
Election, term, residence, duties .....	9, 16	Election, term, number .....	8, 17
Returns of election .....	9, 53	<b>RESIGNATIONS AND VACANCIES:</b>	
<b>POLL BOOKS:</b>		Constitutional provisions .....	13
County clerk to provide .....	41	Resignations, how made .....	63
How kept .....	45	Vacancies, how declared and filled ..	63
To be filed with tally lists .....	51	Who may determine vacancies .....	64
<b>POLL LISTS:</b>		<b>RETURNS OF ELECTION:</b>	
Manner of making and revising .....	26, 27	Electors of President and Vice Presi-	
Where filed .....	28	dent .....	15

*Index, General Elections—Concluded.*

	PAGE.		PAGE.
RETURNS OF ELECTION— <i>Concluded.</i>		TALLY LISTS:	
How made to county clerk, form and		How made .....	48, 49
canvass .....	51	Where filed .....	51
How made for State officers .....	9, 51, 53	TIE VOTE:	
SECRETARY OF STATE:		Duty of county clerk in case of .....	53
Election, term, residence, duties .....	9, 16	Duty of Secretary of State in case of .....	53
To canvass returns .....	53	TREASURER, COUNTY:	
To decide by lot in case of tie .....	53	Election, term, etc. ....	13, 19
SENATORS, STATE:		TREASURER, STATE:	
Apportionment for .....	8, 69	Election, term, residence, duties .....	9, 12, 16
Election, term, number .....	8, 17	TRUSTEES OF UNIVERSITY OF ILLI- NOIS:	
SHERIFF:		Election, term, etc. ....	16
Election, term, etc .....	13, 19	VACANCIES:	
To post notices of election .....	36	See "Resignations and Vacancies." .....	13, 63
STATE'S ATTORNEY:		VOTERS:	
Election, term, etc. ....	10, 19	Assistance, when and how given .....	46
SUFFRAGE:		Cumulative votes, how voted .....	39, 47
Constitutional provisions .....	14	Entitled to two hours; to give notice .....	44
SUPERINTENDENT, COUNTY:		Inmates of charitable institutions .....	42
Election, term, etc. ....	11, 19	Instructions to, printed cards, etc. ....	40
SUPERINTENDENT OF PUBLIC INSTRU- CTION:		Manner of voting .....	45
Election, term, residence, duties .....	9, 16	Offenses and penalties .....	58
SUPERVISOR:		Privileged from arrest and military duty .....	14
Refusal or neglect of duty .....	63	Qualifications and other provisions .....	14, 41
To post notices of election .....	36	VOTING MACHINES:	
SURVEYOR:		Use authorized .....	79
Election, term, etc .....	19	WITNESS:	
		Affidavit of .....	43
		Offenses and penalties .....	58
		WOMEN:	
		May vote for school officers; must reg- ister .....	43

## PRIMARY LAW OF 1905.

AS APPLICABLE TO ALL COUNTIES OUTSIDE OF COOK.

	PAGE.		PAGE.
<b>AFFIDAVIT:</b>		<b>CONVENTIONS:</b>	
Of challenged voter.....	97	Congressional.....	105
Of witness.....	98	County.....	90, 103
		No voting by proxy.....	110
<b>BALLOT BOXES:</b>		Senatorial.....	105
How kept.....	97	State.....	105
What used.....	92		
<b>BALLOTS:</b>		<b>CREDENTIALS:</b>	
Canvass of.....	99	Form prescribed.....	102
Form of.....	96		
Must comply with provisions of act.....	105	<b>DELEGATES:</b>	
How marked.....	93	How chosen—full vote.....	106
How printed.....	95	No voting by proxy.....	110
Stringing and sealing of.....	100	Release from instructions.....	107
<b>BOOTHES:</b>		<b>ELECTIONS:</b>	
What used.....	92	Booths, how furnished.....	92
<b>CANDIDATES:</b>		Notices.....	90
Contests regulated.....	105	Special.....	110
Declaration, petition, fee.....	94, 95	Tabulation of returns.....	104
Must comply with provisions of act.....	105	When and where held.....	89
Names on ballot.....	95	Who may vote at.....	97
Nominations, how made.....	106, 107		
Vacancies, how filled.....	110	<b>FORMS:</b>	
What nominated.....	89	Affidavit of voter and witness.....	97, 98
		Ballot.....	96
<b>CANVASS OF BALLOTS:</b>		Credentials.....	102
How made.....	99	Declaration of candidates.....	94, 95
		Poll books and tally sheets.....	93
<b>CANVASS OF RETURNS:</b>			
How made.....	104	<b>GOVERNOR:</b>	
<b>CERTIFICATES:</b>		Declaration, petition and fee.....	94
Issued by judges.....	101, 102	Nominations, how made.....	106, 107
<b>CHALLENGERS:</b>			
How chosen.....	92	<b>JUDGES:</b>	
<b>CLERKS:</b>		Duties of.....	92
City—		Manner of making returns.....	104
Canvass of returns by.....	104	Oath, form of, etc.....	91, 92
To announce color of ballots.....	96	Payment of.....	92
To furnish paper at cost.....	95	To fill vacancies.....	91
To furnish supplies.....	93	To issue certificates.....	101, 102
County—		Who to act as.....	91
Canvass of returns by.....	104		
To announce color of ballots.....	96	<b>NOMINATIONS:</b>	
To furnish paper at cost.....	95	By majority or plurality vote.....	89
To furnish supplies.....	93	By petitions authorized.....	89
		How made by convention.....	106, 107
<b>COMMITTEEMEN:</b>		What candidates nominated.....	89
Election, term, etc.....	101		
<b>COMMITTEES:</b>		<b>NOTICES:</b>	
Action before primary.....	89	Of committee meetings.....	89
Vacancies filled by.....	110	Of election.....	90
		<b>OATH:</b>	
		Of judges, form, etc.....	91, 92

*Index—Primary Law of 1905—Continued.*

OFFENSES AND PENALTIES:	PAGE.	RETURNS OF ELECTION:	PAGE.
Duty of grand jury.....	110	How made.....	104
Violations enumerated.....	107-110	SECRETARY OF STATE:	
PETITION:		Returns tabulated by.....	104
Nominations by.....	89	STATE SENATORS:	
Of candidates.....	91-95	Declaration, petition and fee.....	95
POLITICAL PARTY:		Nomination of candidates.....	107
Committees to fill vacancies.....	110	TALLY SHEET:	
Term defined.....	89	Form of.....	93
POLL BOOKS:		How certified.....	100
Form of register.....	93	TERMS DEFINED:	
Furnished by clerks.....	93	Political party.....	89
Statement of votes.....	100	Primary precinct.....	89
POLLS:		UNITED STATES SENATOR:	
No adjournment or recess.....	99	Declaration, petition and fee.....	94
Opening and closing of.....	97	VACANCIES:	
PRECINCT:		Committee to fill.....	106, 110
Term defined.....	89	Judges to fill.....	91
REPRESENTATIVE IN CONGRESS:		VOTERS:	
Declaration, petition and fee.....	95	Manner of voting.....	97, 98
Nomination, how made.....	106	Qualification of.....	97
REPRESENTATIVE IN GENERAL ASSEMBLY:		WITNESS:	
Declaration, petition and fee.....	95	Affidavit of.....	97
Nomination, how made.....	107		

**AS APPLICABLE TO COOK COUNTY ONLY.**

ALDERMEN:	PAGE.	DELEGATES:	PAGE.
Declaration, petition and fee.....	120	Qualification of.....	119
Nomination of.....	121	ELECTIONS:	
BALLOT BOXES:		Booths, how furnished.....	121
How kept.....	124	Expenses, how defrayed.....	118
BALLOTS:		General laws apply.....	117
Canvass of.....	127	Irregularities no defense.....	135
Manner of marking.....	121	Notices of.....	114
Manner of voting.....	122	When held.....	112
BOOTHES:		Who may hold, call, etc.....	112
How furnished.....	121	FORMS:	
CANDIDATES:		Declaration of candidates.....	119, 120
Certificate of election.....	130	Oath of judges and clerks.....	116
Compliance with act required.....	121	Poll book.....	125
Declaration, fee and petition.....	119	Statement of votes.....	129
Names on ballot.....	122	GENERAL ASSEMBLY:	
Nominations, how made.....	121	Declaration, petition and fee.....	120
Vacancies how filled.....	131	Nomination of candidates.....	121
What nominated.....	111	GOVERNOR:	
CANVASS OF BALLOTS:		Declaration, petition and fee.....	119
How made.....	127, 128	Nomination of.....	121
No adjournment or recess.....	129	HOUSEHOLDER:	
CHALLENGERS:		Term defined.....	135
How chosen.....	127	JUDGES AND CLERKS:	
CONVENTIONS:		Appointment, oath.....	115
Call for.....	112	Certificates of election.....	130
Definition of—where held.....	111	Duties of.....	126
When held.....	131	Oaths administered by.....	127
		Offenses and penalties.....	131, 136

*Index—Primary Law of 1905—Concluded—Primary Elections.*

<b>JUDGES AND CLERKS—<i>Concluded.</i></b>	<b>PAGE.</b>	<b>POLLS:</b>	<b>PAGE.</b>
Payment of.....	119	Opening and closing of.....	124
Powers of judges.....	127	<b>PRECINCTS:</b>	
Statement of result.....	129	How constituted.....	114
<b>MAYOR:</b>		<b>REPRESENTATIVE IN CONGRESS:</b>	
Declaration, petition and fee.....	120-121	Declaration, petition and fee.....	120
<b>NOTICES:</b>		Nomination of.....	121
Of calls for conventions.....	112	<b>REPRESENTATIVE IN GENERAL ASSEMBLY</b>	
Of elections.....	114	Declaration, petition and fee.....	120
<b>OATHS:</b>		Nomination of.....	121
Administered by judges.....	127	<b>UNITED STATES SENATOR:</b>	
Of judges and clerks.....	116	Declaration, petition and fee.....	119, 120
<b>OFFENSES AND PENALTIES:</b>		Nomination of.....	121
Violations enumerated.....	131-136	<b>VACANCIES:</b>	
<b>POLICEMEN:</b>		Special elections to fill.....	131
Admitted at polls.....	127	<b>VOTER:</b>	
<b>POLL BOOKS:</b>		Manner of voting.....	121, 122
Form of.....	125	Offenses and penalties.....	131-136
		Qualification of.....	119

**PRIMARY ELECTIONS OF VOLUNTARY ASSOCIATIONS.**

<b>ADOPTION:</b>		<b>JUDGES AND CLERKS:</b>	
When and how held under this act.....	155	Conduct canvass.....	161
<b>BALLOT BOXES:</b>		Oaths, duties, offenses, penalties.....	156, 160, 161
How kept.....	160	To hear objections, administer oaths.....	157
<b>BALLOTS:</b>		To issue certificates of election.....	162
How printed.....	160	To keep lists, admit challengers.....	157
Destruction of.....	162	To sign lists.....	161, 162
<b>CANVASS OF VOTES:</b>		<b>LISTS:</b>	
How made.....	161	Form of.....	160
<b>CERTIFICATES OF ELECTION:</b>		How made.....	156, 161
Issued by judges.....	162	To be filed with the county clerk.....	156
<b>CHALLENGERS:</b>		<b>NOTICES:</b>	
One for each adverse interest.....	157	What to contain, how made.....	156
<b>CLERKS:</b>		<b>OATHS:</b>	
See "Judges and Clerks."		Administration of.....	156, 160
<b>COMMISSIONERS:</b>		<b>OFFENSES AND PENALTIES:</b>	
To furnish lists.....	156	By voters, officers and other persons.....	156, 157, 159, 162
<b>COMMITTEE:</b>		<b>POLLS:</b>	
To divide district.....	157	Opening and closing by proclamation.....	161
To give time and place of election.....	155	Time and place of holding.....	155
		<b>VOTERS:</b>	
		Fraudulent voting—bribery—penalties.....	156, 159, 162
		Number in district.....	157
		Penalty for illegal voting.....	156, 159
		Registered—challenge—penalty.....	157
		Who may vote.....	156, 157, 162

*Index—Primary Elections—Continued.***PRIMARY ELECTIONS IN COUNTIES OF LESS THAN 125,000.**

<b>ADOPTION:</b>	<b>PAGE.</b>	<b>DISTRICTS:</b>	<b>PAGE.</b>
Expenses, how paid.....	166	Establishment of.....	163
How adopted, where in force.....	163, 167		
Laws in force.....	165	<b>JUDGES AND CLERKS:</b>	
<b>BALLOT BOXES:</b>		Absent at opening of polls.....	165
How kept.....	164	Appointment and qualification.....	163
Must be kept in view of public.....	166	Compensation.....	166
<b>BALLOTS:</b>		Penalty for failure to account for ballots.....	165
How furnished.....	164	Power to take oaths, keep peace, etc.....	166
How marked.....	164	<b>NOTICES:</b>	
How printed.....	164	How given, contents of.....	164
Receipts for.....	164	<b>OATHS:</b>	
<b>BRIBERY:</b>		Judges to administer.....	166
Penalty for.....	166	<b>OFFENSES AND PENALTIES:</b>	
<b>CALL:</b>		Bribery.....	166
How made.....	164	Illegal voting.....	166
<b>CANVASS OF VOTES:</b>		Judges and clerks.....	163
How made, returns.....	166	Liquor prohibited.....	163
Penalty for refusing or neglecting to make.....	166	Refusing or neglecting to canvass.....	166
<b>CERTIFICATES OF ELECTION:</b>		<b>PARTIES:</b>	
Judges and clerks to issue.....	166	Parties entitled, conditions.....	163
<b>CLERKS:</b>		<b>PENALTIES:</b>	
See "Judges and Clerks."		See "Offenses and Penalties."	
<b>COMMITTEE, EXECUTIVE:</b>		<b>POLLS:</b>	
Appointment of judges and clerks.....	163	How furnished.....	164
<b>DELEGATES:</b>		Liquor prohibited.....	163
Eligibility, alternates, vacancies.....	165	Location of.....	163
Vacancies, how filled.....	166	Time for opening and closing.....	165
		<b>RETURNS:</b>	
		How made.....	166
		<b>VOTERS:</b>	
		Illegal voting, penalty for.....	165
		Qualifications of.....	165

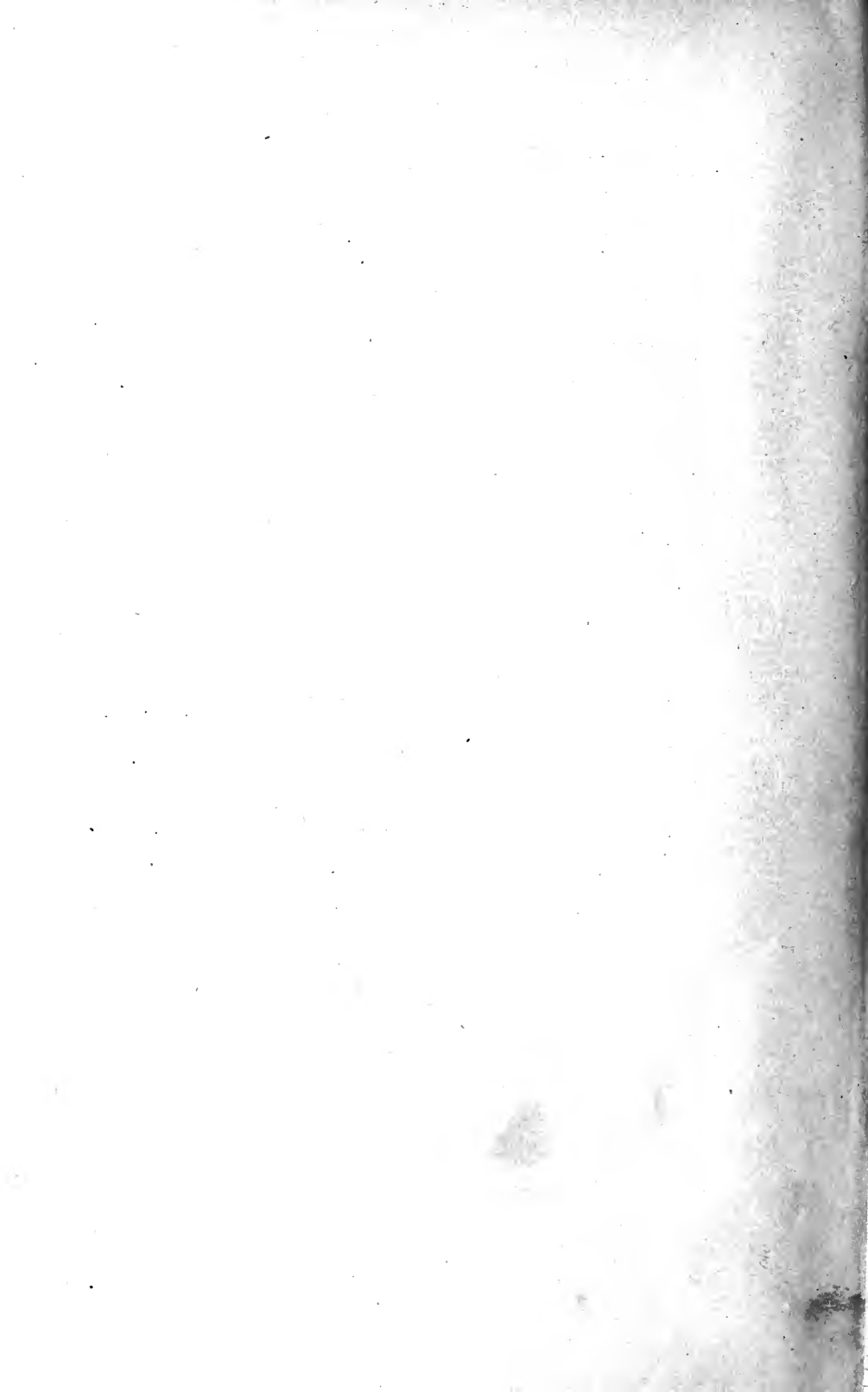
**PRIMARY ELECTIONS IN COUNTIES OF 125,000 OR OVER.**

<b>ADOPTION:</b>	<b>CERTIFICATES OF ELECTION:</b>
How adopted, where in force.....	Judges and clerks to issue.....
Laws in force, expenses, how paid.....	Obtaining false certificates.....
<b>BALLOT BOXES:</b>	<b>CHALLENGERS:</b>
Must be in view of public.....	Number and privileges.....
Penalty for carrying away.....	<b>CLERKS:</b>
<b>BALLOTS:</b>	See "Judges and Clerks."
Canvass of.....	<b>COMMITTEE, CENTRAL:</b>
Voting to be by—form of.....	Appointment of judges and clerks.....
<b>CALL:</b>	Making a call or application.....
How made, filing, etc.....	<b>CONTESTS:</b>
<b>CANVASS OF VOTES:</b>	Officers to produce matters in evidence.....
How made, returns.....	<b>CONVENTIONS:</b>
Penalties in making false canvass.....	The several conventions defined.....
Refusing or neglecting to make.....	



*Index—Primary Elections—Concluded.*

<b>CONVICTS:</b>		<b>OFFENSES AND PENALTIES:</b>	
Penalty for voting.....	188	Ballots, altering, removing, etc.....	187
<b>DELEGATES:</b>		Bribery—assaults—threats.....	189, 190
Eligibility, alternates, vacancies.....	177	Convicts voting—penalty.....	188
<b>DISTRICTS:</b>		Destroying ballot box, poll list, etc....	187
What constitutes.....	172	Disorderly conduct.....	188
<b>HOUSEHOLDER:</b>		Illegal voting—penalty.....	188
Term defined.....	190	Judges and clerks absent.....	173, 178, 186
<b>JUDGES AND CLERKS:</b>		Liquor prohibited.....	188
Altering or making false lists.....	186	Making false lists—excluding voters....	186
Appointment, qualifications.....	173, 174	Obtaining false certificates.....	190
Changing or substituting ballots.....	187	Perjury.....	185
Compensation of.....	176	Sundry acts of voters.....	188
Disobeying command of.....	188	Wilful neglect and corrupt practices	
Duty concerning poll books, ballots,		of officers.....	187
voters and challengers.....	172, 173, 175, 182		
Not to absent themselves.....	173, 178, 186	<b>PARTIES:</b>	
Power to take oaths, keep peace, etc....	182	Names restricted.....	171
Refusing or giving false certificates....	186	Parties entitled, conditions.....	169
Refusing or neglecting canvass.....	186	<b>PENALTIES:</b>	
To admit policemen.....	182	See "Offenses and Penalties."	
To cast lots in case of tie.....	185	<b>POLICEMEN:</b>	
To issue certificates.....	185	Admitted to polls.....	182
Vacancies, removals, penalties.....	173, 178	<b>POLL BOOKS:</b>	
<b>LISTS:</b>		Form of.....	180
Form of.....	180, 184	<b>POLLS:</b>	
Penalty for altering, concealing, etc....	187	How furnished.....	175
<b>NOTICES:</b>		Liquor prohibited.....	188
How given—what to contain.....	171	Location of.....	172
Irregularities no defense.....	190	Opening and closing of.....	178
Judicial notice to be taken.....	190	<b>RETURNS:</b>	
<b>OATHS:</b>		How made—forms for.....	180, 184
Duty of judges—challenges and affida-		<b>VOTERS:</b>	
vits preserved.....	173, 175	Convicts disqualified.....	188
		Illegal voting—penalty.....	188
		Perjury—penalty.....	185
		Qualifications of.....	176
		Sundry acts declared felonies.....	187, 188
		Waiting in line of.....	188





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